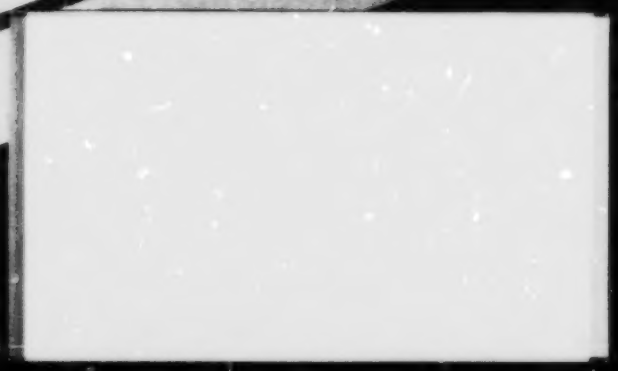
Programs Branch User Report



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ASSESSING THE IMPACT OF MEDIATION

NO. 1985-31

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This working paper is available in French. Ce document de travail est disponible en français.

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The purpose of this document is to elicit discussion on the methods for evaluating community mediation programs. Your views on the proposed methods and procedures are welcome. Please address your comments to:

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1.0 Introduction

The major purpose of this report is to present a methodology to assess the short and long term impact of mediation on disputants themselves, the police, courts and the community as a whole. To place this task in context, although the instruments designed here are to apply to the Community Mediation Network (CMN) in the Halifax CMA, the instruments are relevant to many of the 200 centres employing mediation in North America. Moreover although the major purpose is to examine the impact or effect of mediation, it is also necessary to address in a more limited way the "causes" of mediation and the processes whereby mediation is used. By causes we mean the answers to such questions as "Why do some disputants use mediation and not others? Why are some types of disputes more amenable to mediation and not others? Why do some police make referrals to mediation and not others? Why might some communities be more receptive to or supportive of a mediation centre and not others? By the processes whereby mediation is used we mean: 1) an analysis of the interaction patterns among disputants and mediators, and 2) a qualitative study of the development of the Community Mediation Network itself within the Halifax CMA.

Considering cause, process and impact on one hand, and considering disputants (victims and offenders), the criminal justice system and the community the following matrix of themes arise.

	Disputants	Criminal Justice System	Community
Causes	Attribution of Guilt	Police Questionnaire	Neighbourliness Just World
Processes	Interaction Process Analysis	Referral Methods	Community Development
Impacts	Satisfaction with Agreement	Changes in Call-Dispatches	Community Dispute Reaction Survey

The primary concern will address the bottom row. However aspects of process and cause will also be considered. The disputants shall be considered first by a description of the variables which are expected to change, resulting from experience in mediation. Disputants employing and not employing mediation will be compared. In addition some data measuring the impact of mediation on disputants will be analyzed. These data are made available by the Community Mediation Service of Kitchener-Waterloo. Second, the impact of the CMN will be measured by particular reference to the Halifax and Dartmouth Police Departments. Third, the impact of the CMN on the surrounding community will be considered. Since the CMN is new (its first mediations were in November of 1983) and since the organization is small, this impact is expected to be weak even in the first few years. Nevertheless this impact is expected to grow here as elsewhere, as the CMN and other mediation centres age. Fourth, will be a design to compare the costs of mediation in criminal disputes, costs which arise from mediation versus the cost arising from police and court time. Fifth, is a description of coding procedures to be employed in order to understand the mediation process. Included in this section is a description of some of the means of analysis of the impact of the mediation process on whether a mediated agreement is reached or not. Finally there is a description of the research ethics policies developed by the the CMN in response to community concerns which are in part generally held in many Canadian communities and in part unique to the history of Halifax-Dartmouth.

Another way to systematize this report is to consider the document, Information Needs Relevant to an Evaluation of Diversion: Summary of Main Research Questions. Almost all of these questions are examined in this report. However, since the Community Mediation Network at present does not mediate disputes where charges have been laid, a rephrasing of several questions is necessary. For example the words, victim and offender, are replaced by the word disputants. Introducing each section of the report will be most of the relevant research question addressed; other questions are inserted where appropriate. The appendix A.0 contains a list of the original questions and the rephrased questions.

2.0 The Impact on Disputants

2.1 Research Design

Question B3

What are the consequences for the disputants resulting from the mediation process and the performance of the conditions stipulated in the negotiated agreement? To what extent do these consequences differ for disputants experiencing mediation as compared to disputants who do not experience mediation?

The impact of mediation on disputants can be seen in terms of several outcomes: 1) whether an agreement is reached, 2) the satisfaction with any agreement, 3) the change in the relationship between the disputants, and 4) change in the means of resolving future disputes, both with the other disputant and other persons.[1] Assessment of these impacts depends primarily upon a comparison between the group of disputants who experience the mediation process and the group of disputants who do not but are nevertheless referred to mediation. Since the Community Mediation Network only employs the mediation process if both parties agree to use mediation then a significant proportion of referrals will not be mediated. Thus a comparison is possible between these two groups of cases which already have been selected by the CMN, police and social service agencies as appropriate for mediation. Any difference between these two groups in terms of the criterion variables mentioned above will not be effected by the suitability of the case for mediation; however, as it stands here, any remaining difference between the two groups may be explained by self selection by disputants as well as the impact of mediation itself.

Ideally the effect of mediation could be unambiguously ascertained by classic experimental design (i.e. random

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1. Questions related to these variables are found in Appendix B:
Was an agreement reached; Mediation I q. 18a; Non Mediation I q. 3e.
Satisfaction with outcome; Mediation I q. 18c.
Relationship between disputants; Mediation I q. 15d; Non Mediation I q. 10d.
Dealing with future disputes; Mediation II q. 11a; Non Mediation II q. 5.

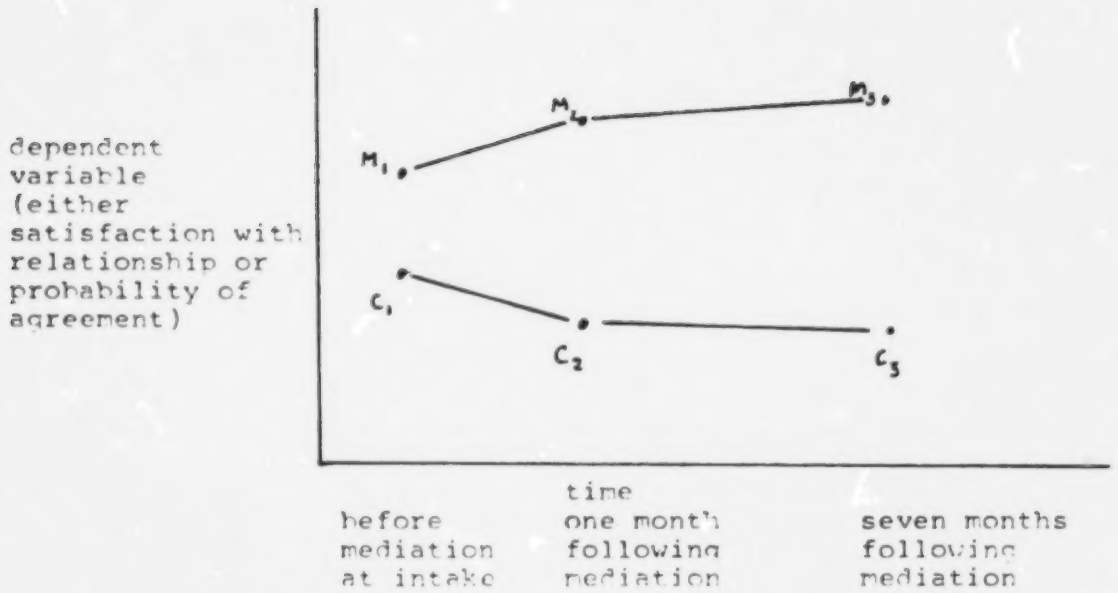
assignment of cases to a control group and a mediation group followed by an analysis of the variation in the dependent variables). This approach is unrealistic for two reasons: 1) some question such a manipulation of cases to the extent that implementation of a classic experimental design is impolitic if not unethical (see Section 7.0 on Research Ethics), 2) random assignment would reduce the number of mediations performed in the initial stages of operation of the CMN.

Nevertheless the effects of variables other than mediation on the dependent variables can be controlled by other means. One such means is through quasi-experimental design, another is to control variation statistically through survey design. Each shall be implemented here for congruent results obtained by each method would support any conclusions reached.

A simple examination of the dependent variable comparing cases which adopt mediation and those which do not is invalidated for two reasons: 1) selection of mediation by both parties may imply a higher probability of agreement or a superior relationship between disputants than occurs among those cases where mediation is not selected, and 2) any effect of mediation may be transitory. Since relationships between disputants who know each other tend to fluctuate, it is reasonable to imagine that when such a relationship is at a low point, police are called by the complainant. Contacting the disputants five to six weeks later may reveal that the relationship has reached a higher level satisfaction and agreement only to deteriorate as the downward cycle repeats itself. Addressing these two sources of invalidity without recourse to classic experimental design suggests quasi-experimental design.

The selection effect can be accounted for by determining the level of satisfaction with the relationship and the perceived probability of resolution <u>prior</u> to mediation at the time of intake. Since the intake counsellor of the CMN typically spends about 90 minutes on the phone or in person with each disputant either prior to mediation or prior to a disposition not to mediate, the level of satisfaction with the disputants' relationship and the probability of reaching agreement can be unobtrusively determined and rated by the intake counsellor. The difference between these ratings and measures obtained from the follow-up interview schedule would be the effect of adopting or not adopting mediation. This design is best explained graphically.

Figure 2



The quantity M_1-C_1 is the selection effect. This must be eliminated from a comparison of M_2 and C_2. Thus the effect of mediation on the disputants one month after mediation is (M_2-C_2) - (M_1-C_1). A substitution of M_3 and C_3 for M_2 and C_2 would indicate the effect of mediation seven months following it. Thus it would be possible to determine whether the impact of mediation is transitory or relatively lasting. A second follow-up interview would also be able to examine whether experience with mediation can be generalized to similar conflicts between the same disputants or other

conflicts with other potential disputants.[2]

The use of multivariate statistical means to control for spurious effects on the dependent variable is also useful since it allows for a careful partialing of these effects. Quasi-experimental design may indicate mediation has an effect on resolving the conflict or improving the disputants' relationship; however these effects are also understood if they can be compared with the influences of other independent variables. For example the probability of agreement is likely to be affected by the nature of the dispute (e.g. vandalism compared with common assault), the nature of the disputants' relationship (stranger vs friends vs neighbours vs spouses), the length of the prior relationship, the severity and duration of the past conflict, the attribution of responsibility for the conflict by both disputants and so on. The satisfaction with the relationship is likely to be determined by the same variables but also differences in demographic variables such as social class (Blishen scores of occupational prestige), income, education and so on. (See Appendix I.0 for greater detail.) A multiple regression which includes these independent variables, as well as whether mediation took place or not, will help to place any impact of mediation in a meaningful causal context.

The use of two methods of analysis to examine the impact of mediation on disputants is deliberate. Quasi-experimental design tends to overestimate the effect of mediation. Some variables other than mediation may affect the subsequent relationship between disputants; these variables cannot be controlled by the design without increasing its complexity and substantially increasing the required cohost size beyond realistic estimates of the caseload of C.M.N.S. Conversely a multiple regression approach underestimates the effect of mediation since a dummy variable (mediation selected/mediation not selected) must compete with many continuous variables in explaining any of the dependent variables. Thus the "true" effect of mediation can probably best be estimated as being between the effects determined by quasi experimental and multiple regression.

As the research designs outlined above indicate, four follow-up interview schedules are needed: 1) an interview of

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2. The use of a repeated measures design is appropriate here. A two way analysis of variance where treatment (mediation vs no mediation) and pre/post measure are the main effects is useful. The interaction term would indicate the impact of mediation controlling for a selection effect, (Winer, 1971).

those disputants employing mediation one month after mediation (Mediation I, Appendix B.2), 2) an interview of the same disputants seven months after mediation (Mediation II, Appendix B.3), 3) an interview of those disputants not employing mediation one month after closing the case, (Non Mediation I, Appendix B.4)[3] and 4) an interview of these same disputants seven months after closing the case (Non-Mediation II, Appendix B.5). Each interview schedule is administered over the telephone with each disputant; the interview averages about 18 minutes in length. To date no disputant has objected to this length of time, furthermore only one refusal out of 32 interviews has occured. Indeed most disputants appreciate the fact that follow-up occurs at all.[4]

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3. A case is closed if either disputant or the intake counsellor chooses not to employ mediation to handle the dispute. The CMN may still, however, be involved in the case. For example consider when a respondent chooses not to use mediation although mediation is preferred by the complainant. Often the complainant is frustrated at this turn of events. The intake counsellor may, if appropriate, advise the complainant to talk directly to the respondent; often "coaching" him or her to be diplomatic rather than angry. This technique has worked on a number of occasions to resolve the dispute. This is not conciliation since the agreement is not reached using the intake counsellor as a "go between". On the other hand, it assists in resolving the dispute rather than escalating it.

4. Indeed in one case, follow-up with the respondent rescued the agreement. The respondent delegated responsibility to see that the conditions of the agreement with the complainant were executed. When he discovered during the first follow-up interview that one condition of the agreement was not fulfilled, he implemented this condition within 48 hours.

Mediation I asks disputants 1) to evaluate the mediation session 2) to describe the relationship with the other disputant prior to mediation and following mediation, 3) to attribute the cause of the dispute 4) to evaluate the agreement and 5) to provide background information. The background information includes personality variables such as modifications to Rotter's (1966) locus of control scale (internality-externality), the trust in people scale(1969), and Srole's (1956) Anomie scale. Sociological variables are also measured, variables such as occupational prestige (Blishen scores), age, education, income and marital status.[5]

Mediation II, six months later, follows up the agreement and the current relationship between disputants. It also examines what affect the experience with mediation has had on other disputes with the same disputant and others. In addition, disputants are asked what has been learned as a result of the mediation experience. Additional personality variables such as neighbourliness (Wallin, 1953) and belief in a just world (Rubin and Peplau, 1975) are measured here.[6]

Examining the effect of mediation on disputants also makes it possible to examine:

Question A.1

To what extent does the Community Mediation Network deal with cases which normally would have been dealt with by the criminal justice system?

Each interview schedule addresses the question of what happened to the dispute one month and seven months after closing the case. To date several cases have either gone to court when mediation has not happened or have not gone to court as a result of the complainant not laying charges resulting from a satisfactory mediation agreement. The proportion and extent of these cases in relation to all cases is an indication of the effect of the Community Mediation Network on the caseflow goals of the criminal justice system.

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5. The rationale for these personality variables is provided in Appendix B.1, the introduction to interview schedules dealing with disputants.

6. These personality variables could as easily be measured in Mediation I; however, given the length of Mediation I, this battery of questions was reserved for Mediation II (also see Non-Mediation II).

The final obvious effect of mediation on the disputants is the agreement itself. The terms of the agreement can be compared with the disposition of equivalent cases reaching court for purposes of comparison. In its own right the terms of an agreement are valuable in relation to the degree of compliance with an agreement. This is useful to understand because mediators often make "realistic" agreements (i.e. those agreements which can be kept). Indeed mediators often discourage what they perceive as unrealistic terms in a draft agreement even if the disputants are agreeable during the mediation session. But what is realistic? One way to answer such a question is to classify the components of an agreement and examine the compliance rate with such a classification, (see Mediation I, question 19; Mediation II, question 7).[7]

How might the terms of an agreement be classified? One such classification is based on the terms found in the mediated agreements facilitated by the Community Mediation Network to date.

1. stop offending behaviour
2. schedule offending behaviour (e.g. no noise after 11 p.m.)
3. pay money (immediately or on a schedule)
4. deliver goods
5. be polite to each other
6. control own children
7. call CMN before calling police
8. follow a specified method for dealing with future conflict
9. don't gossip

Compliance may be related not only to the individual terms of the agreement, it may also be related to properties of the entire agreement. For example, the extent to which an agreement is balanced (i.e. terms of the agreement are equally onerous on complainant and respondent) may have an effect on the compliance by both parties. Further we anticipate that the perceived fairness of the agreement and the degree of satisfaction with the mediation process will increase the probability of compliance.

Finally, differences in education, occupational prestige, and power differentials between disputants may help to predict why one disputant selects mediation and another disputant does not. A discriminant analysis may be successful in predicting who are the "users" and who are the

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7. The advantage of two waves of data is that ongoing terms of an agreement can be monitored.

"rejectors". This helps to answer the question:

Question B.1

How is the mediation process explained to the disputants and why do they accept or reject the procedure?

2.2 Analysis of Data From the Community Mediation Service Kitchener-Waterloo

The purpose of the analysis of the complainant follow-up interviews from the Community Mediation Service, Kitchener-Waterloo is twofold. First, for reasons of comparability, several questions of the Kitchener-Waterloo interview schedules are adapted to the disputants' interview schedules used by the Community Mediation Network. An examination of the means and standard deviations of the Kitchener-Waterloo questions would inform us as to whether sufficient variation in these questions existed to allow for multivariate statistical analysis. Second, the Kitchener-Waterloo data provides a relatively large data base which can be examined pending sufficient case data from the Community Mediation Network. In the midst of the analysis of the Kitchener-Waterloo data we were given access to the Program Evaluation Report on the Community Mediation Service Kitchener-Waterloo produced by A.R.A. Consultants (1984). This report is quite informative as it stands; however, it does not address the effect of mediation on the disputants other than matters directly pertaining to an agreement. Our concern is to address whether the implications of an agreement are broader than the agreement itself. Specifically we would like to know: 1) Whether mediation improves the relationship between disputants compared with those cases where mediation does not occur?

To address this question a rephrasing of the question above is necessary. The question to ask is: "given that mediation has happened, what is the effect of that mediation on the subsequent relationship of the disputants?" Asking the question this way has two advantages: 1) the selection effect is eliminated from consideration since only mediated cases are considered, and 2) variations in the quality of the mediation itself can be examined. By variations in the quality of the mediation is meant how well the mediators handled the session (MEDHAND), how well the mediators understood the problem (MEDUND), and whether an agreement was reached,(AGREE). It is also possible to ask what effect the viability of the agreement has had on the degree of comfort of interaction between disputants? That is has the agreement "worked" (AGREEWKD), and how satisfied is the

disputant with the agreement (SATSFACT).

Each of these independent variables was inserted into a stepwise multiple regression equation. Since the cohort size is small (n=42) the adjusted R^2 is reported here. At the stage of maximum adjusted R^2, only three independent variables were in the equation: how well the mediators understood the problem (MEDUND), how well the agreement worked (AGREEWKD) and whether an agreement was reached (AGREE). These variables collectively explained 57% of the adjusted variance in how comfortable the subsequent interaction was between disputants as Table 1 indicates.

Table 1

Explaining Subsequent
Comfort in Interaction
Between Disputants (COMFORT)

Independent Variable	Beta Weight	Significance of F Statistic
MEDUND	.544	.044
AGREEWKD	.390	.117
AGREE	.330	.175
ADJUSTED R 2	.574	.044

The reader must be cautioned for several reasons. First the impact of the low cohort size can be seen by the significance level of the beta coefficients. Despite a high adjusted R^2 and despite respectable beta coefficients only the first variable, MEDUND, is significant at the usually accepted criterion less than .05. Second the measures of these variables are obtained from the complainants only. No data is available on the respondents' view. Third the measures of these variables are retrospective. Thus the complainant must recall how well the mediators understood the problem or handled the mediation one month previously. It may be that a comfortable relationship with the respondent inflates these estimates.[8]

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8. One way around this problem is to consider the impact of the drop in tension within the mediation session on the degree of comfort between disputants. The reason for this is because tension is rated at the beginning and the end of the session by the mediators, not the disputants. The variance explained in comfort by this one variable alone is quite high (R^2=.66); however this is based on only eight

Despite these caveats mentioned above, the impact of MEDUND on the comfort in the relationship suggests that the quality of the mediation process itself does have consequences which extend beyond any "high" or arousal produced in the disputants within the first few days following mediation.

This continuing impact of the mediation process is further illustrated by the effect of mediation process variables on COMFORT2 (i.e. the degree of comfort the complainant felt in a relationship with the respondent six months after mediation. The same independent variables were inserted into the regression equation as were used to explain COMFORT. Table 2 presents the results.

Table 2
Explaining Comfort
Between Disputants
Six Months Following
Mediation (COMFORT2)

Independent Variables	Beta Weight	Significance of F Statistic
FAIRAGR	.546	.006
SATSFACT (reverse coded)	-.536	.007
MEDHAND	.414	.026
Adjusted R^2	.387	.006

Clearly the impact of the mediation session itself on comfort between disputants is reduced now that more time has elapsed. Nevertheless, the effect of how the mediators handled the meeting is still significant. Moreover the estimate of the fairness of the agreement to both disputants and the degree of satisfaction with the agreement are clearly consequences of the mediation process at least to the extent that an agreement is reached in the mediation session itself.

The value of these findings presented in Tables 1 and 2 are threefold: 1) an effect of mediation is demonstrated on the entire relationship between disputants which apparently lasts at least six months and probably longer, 2) by

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cases. Increasing the case base for this variable is an immediate task.

studying only those cases mediated, variations in the quality of mediation are seen to affect these outcomes, 3) the demonstration of these effects suggest that the more intensive investigation of the consequences of mediation which are apparent in the disputant interview schedules listed in the appendix is worthwhile.

3.0 Impact on the Police: Short and Long Term Effects

Question A3

To what extent does the existence of a mediation program result in a lessening of the demands placed on the criminal justice process by non-crime related problems?

Question A4

To what extent does the existance of the Community Mediation Network result in changes in the extent to which the community relies on the police?

Question A6

Has the opportunity for more efficient use of criminal justice resources been made use of by police as a result of the existence of the Community Mediation Network?

Since the CMN is designed to accept non-charge referrals from police in particular, it is reasonable to ask how the CMN might affect the referring departments? One effect may be a reduction in the number of non charge call-dispatches by police.[9] Such calls are classified by both police departments as a disturbance (common assault is typical should a victim lay a charge, a low probability event), civil disputes or family disputes. Such a reduction of call-dispatches over time might result from three causes 1) repeated disputes cease once mediation occurs, 2) referral of a dispute from another agency to the CMN results in no call to the police, and 3) dispatcher referral to mediation means that a patrol car and its constables are not sent to the scene of the dispute.[10] In addition to a

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9. By call-dispatch is meant a phone call by a complainant followed by a visit by a constable(s).

10. Dispatcher referral operates in the Halifax Police Department. Virtually all calls from the Dartmouth Police Department result in the dispatch of a car. Thus this third

reduction in the number of call-dispatches, it is possible to record the saving in time as a result. Further it is possible to determine whether this saving in time results in an increase in time or personnel to deal with more serious calls.

It is possible to determine the above information since the Dartmouth Police Department has on file in machine readable format: the type of dispute, comments on the dispute, the time the call was received (A), the time the call was dispatched (B) the time of arrival at the scene of the dispute (C) and the time on leaving the scene of the dispute (D). The number of officers is also known. Thus it is possible to calculate the number of man-minutes associated with a call and the response time to a call. Finally it is also possible to determine the "at scene" time for more serious disputes which is expected to rise as mediation expands dealing with the relatively more minor cases.[11]

Clearly, however, it is critical to differentiate serious calls from non serious ones and mediation type calls from other calls. Several criteria make this differentiation possible. First of all only 1) problems with children, 2) disturbances, 3) family problems and 4) miscellaneous are relevant to non charge mediation. Other classifications are criminal resulting in charges such as armed robbery or theft, or are irrelevant such as traffic accidents. However, within the four categories listed, not all cases are appropriate for the CMN. The remarks made by the constable and recorded in the computer are critical to determine mediation appropriate cases. Within the disturbance category for example, the relevant key words which suggest a mediation appropriate case are "noise" and "complainant advised".[12] Also relevant is the specification of a prior relationship between disputants. On the other hand, the laying of charges immediately removes the case

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reason only applies to the Halifax Police Department.

11. Number of man-minutes = (B-A) + 2 (D-B)

Response time = C-A

Time spent at the scene = D-C.

12. "Complainant advised" is a consequence of what is seen by the constable as a common assault. The complainant can press charges at court if willing to pay a filing fee ($10.00). Most often however complainants don't bother, or are told by the court clerk that the charge won't "stand up in court" and thus don't press charges.

from consideration.

Question B5

For police, what is the degree of satisfaction with the Community Mediation Network for certain kinds of cases compared with processing the same kinds of cases using the criminal justice system?

In addition to these objective measures of the impact of the CMN on the Halifax and Dartmouth police departments several subjective measures are important as well. Some police infrequently make referrals to any kind of social service agency. Thus it can be asked: What effect will the CMN have on attitudes towards referral? These attitudes and there change over time can be assessed by a two-wave panel survey of the constables in Halifax and Dartmouth. This survey is the Neighbour Dispute Questionnaire For Police Personnel found in Appendix C.0. A second issue is whether the CMN affects the repertoire of crisis intervention procedures available to the police. Often when police intervene in common assault type disputes they decide that the laying of charges is inappropriate. Thus they can only advise the "victim" to press charges or ignore the dispute. This may direct anger towards the police who are seen as ineffectual. Referral to the CMN thus may represent a tangible service to the "victim" consequently anger may be reduced. Whether this is the case is also examined in the police constable questionnaire.

The primary purpose of the constable's questionnaire is to determine the satisfaction of the constables with the Community Mediation Network; however, the questionnaire also allows for an examination of the individual differences which are associated with satisfaction, referral and intent to refer to the Community Mediation Network. A major section of the questionnaire examines variations in the nature of the dispute to which a constable might be called. These variations are: whether the dispute is a violation of property or person, whether the dispute is ongoing or a first occasion, whether one of the disputants wishes to press charges or not, whether the disputants are neighbours or spouses, whether physical violence, even if of a minor consequence, has occurred or not. In all some sixteen combinations of these variables are developed. The constable is asked to determine whether and to what extent referral to the Community Mediation Network is desirable. In this way it is possible to understand the importance of each criterion in determining whether a constable makes referral or not. Thus empirically it is possible to establish what the constable considers an ideal referral. Should such a referral result in a mediated agreement then this "ideal type" can be reinforced during subsequent

orientations of constables.

Individual differences such as rank, age, education, tenure and experience can be postulated to be related to referral. Younger, educated constables might be expected to make more referrals than older less educated constables. Moreover positive attitudes towards social service agencies and social science in general can also be expected to relate to higher referral rates. Finally variables such as platoon and the zone of the city patrolled provide the context for the constable to make referrals. For example, constables who patrol industial or commercial zones as opposed to residential ones are less likely to be able to make referrals. Further, in a hierarchial organization it is to be expected that the probability of referral by a constable may depend upon how positive is the attitude toward the CMN held by the platoon's inspector, sargeant and corporal.

4.0 Impact on the Community

Question B6

What capacity exists in the Halifax/Dartmouth public to support and/or tolerate mediation or the Community Mediation Network?

4.1 Short Term Effects

Aside from understanding what the impact of the Community Mediation Network is, it is also desirable to understand how this impact can come about. An analysis of the mediation process describes how disputants might be affected. Similarly a description of the Community Mediation Network helps to identify how the police and the community are affected by the presence of this agency. As will be described below, the Community Dispute Reaction Survey is the one way to assess the impact of any mediation service on its community; however, the lag between the existence of the service and the awareness of it among the general public is a long time interval. Therefore to understand how the CMN might affect the community, its affect on the community's social service agencies is worth studying since mediation agencies must develop referral relations with these agencies. A qualitative methodology is perhaps most appropriate given the youth of the Community Mediation Network in the Halifax-Dartmouth area. What follows is a list of the "issues" to be addressed by such a qualitative report and the means to obtain information on these matters.

A Referrals
- examination of advertising copy, press releases
- examination of appointment diaries to determine the number and types of contact with the community
- community education meetings
- brochures

B Intake
- examination of intake forms, referral forms
- discussion with intake counsellor
- follow-up interview schedules

C Volunteers
- methods of recruitment
- examination of aplication forms
- content of training & training manual
- syllabus of ongoing training to date

D Policy
- initial proposal
- minutes of board meetings

E Funding
- funding proposals
- reports to funding agencies

4.2 Long Term Effects

The human services agency network is affected by the presence of a mediation service to the extent that members of the network refer cases to the mediation service. The previous section of this report examined the affect of the C.M.N. on the police. The next section of this report examines the effect of the C.M.N. on the criminal courts; however other agencies are also affected by the presence of a mediation service. (For example, referrals to the C.M.N. are not only made by police but also by several housing cooperatives; Halifax Housing Authority; the local Residential Tenancies Board, the Lawyer Referral Service; both Dalhousie and Nova Scotia legal aid and aldermen of the City of Halifax). The effect on these agencies is twofold. First, referral of the case may free up resources within the referring agency allowing other work to be conducted. Second, if the referring agency cannot meet the clients' needs then referral may lead to a more satisfactory outcome which can only improve the image of the referring agency.

Ultimately the long term significance of mediation as an alternative for certain types of disputes within the criminal justice system depends upon the support of the concept by the public. This support is comprised of four elements: 1) awareness of local mediation services, 2) positive attitudes toward mediation, 3) willingness to support mediation by taxpayer contributions, and 4) use of

the service if an appropriate dispute arises. Each of these elements of support shall be considered.

Awareness is the most difficult concept to be operationalized. Merely asking a respondent of the Halifax CMN whether s/he has heard of the Community Mediation Network, will likely inflate the positive response as has as has been noted elsewhere.[13] Therefore it is necessary to determine awareness more indirectly. Respondents are presented with a hypothetical noise dispute with a neighbour and asked how the situation might be handled. Their responses are valuable in any case; however, respondents are are also presented with other alternatives, such as the police or the courts. One of these alternatives is the Community Mediation Network. The respondents are asked whether this alternative had been considered as well as the one selected. The interviewer can now ask whether the respondent has heard of the Community Mediation Network and expect an unbiased response. Should the answer be affirmative, indicating that the respondent has heard of the Community Mediation Network, then the respondent is asked to volunteer any information s/he has about this organization. Any correct response is an indication that the respondent is aware of the Community Mediation Network.

It is assumed that at this stage the public's awareness of the Community Mediation Network is negligible. Thus the interviewer briefly describes the service. Following this respondents are asked to rate how helpful such a service might be for the community and are then presented with a series of vignettes describing disputes. In a fashion analogous to the constables' questionnaire, respondents are asked to rate how helpful mediation might be in dealing with each dispute. The final element, financial support, is assessed by asking the respondent, who should pay for the operating budget of a local mediation service?

The second purpose of the community survey is to establish baseline measures of a number of personality and social variables. These variables can be related to attitudes towards mediation. These measures can also be compared with those disputants' scores who are referred to the Community Mediation Network. In this fashion the users of the service can be better distinguished from the general population.

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13. For example, over 70% of respondents from the state of Michigan commented on the "Metalic Metals Act", an act which is completely fictitious. (Survey Research Center, 1969)

The community dispute reaction survey may measure the attitudes of a community towards mediation but it does not explain them other than by an examination of how background variables might affect these attitudes. The attitudes of the general public might be influenced by direct experience as a disputatnt (not so likely) or by interaction with former disputants who have employed mediation. The average American mediation centre processes 2,500 cases per year in a city of one-half million population, (Benoit, 1984). Given an area the size of the Halifax C.M.A., an average mediation centre (conneted to the justice system) would process 1,350 cases per year. Since each dispute would involve two families containing an average 2.7 persons each then 7,290 persons are immediately affected by the mediation service. Since other experience suggest that few who use mediation service are "repeat players", unlike Small Claims Court for example, then over a ten year period some 72,900 persons or about 25% of the population of the Halifax C.M.A. would have come into immediate effect of a mediation service. (It is not clear at what point a population would be saturated). In addition the seven month follow up survey (Mediation II and Non Mediation II) reveal that disputants frequently describe their experiences and outcomes of the mediation process to neighbours and friends. Thus perhaps as many as fifty percent of the population would have at least indirect exposure to mediation over a ten year interval. Whether such exposure lends to positive, negative or neutral attitudes depends upon the disposition of each case and the propensity to tell others depending upon the disposition. (From American experience 55% of all cases reach agreement; ten percent fail to reach agreement at mediation and 35% never reach the mediation process, (Benoit, 1984). This suggests that public attitude among those exposed might be 55% for mediation, 10% against and 35% neutral).

5.0 Criminal Justice System/CMN: Comparative Costs

Question A2

> What are the relative dollar costs of mediation as compared to the relative dollar costs of processing through the criminal justice system for the same type of offence?

This section will first consider the kinds of criminal code violations which might be similar to cases referred to the Community Mediation Network. Following, is a discussion of the benefits to the courts of any referrals to the Community Mediation Network. Finally, the feasibilty and method of a cost comparison is presented.

Based upon a number of interviews held with local

criminal justice personnel and others, our preliminary assessment is that the following types of cases processed by the criminal justice system might be suitable for diversion to mediation services:

1) 171 Disturbances
2) 245 Common Assaults
3) 387 Mischief
4) 745 Preventive Justice (Threats).

In general, the Judges interviewed stated that their courts usually operated with a minimum number of justice personnel involved in the types of cases mentioned. Lawyers are not usually involved in a large numer of instances, nor is the Crown Prosecutor's office. Most cases involve family members, neighbours, or people known to one another rather than strangers. To a great extent, these are considered by judges to be "nuisance" offences, particularly in the case where common assault, disturbance, and/or mischief charges are laid. In the area of common assault charges are often laid directly with the Court Clerk rather than involving police. The police would not then be involved until a summons was served. The police usually investigate cases where threats are made. With disturbances, police will investigate and lay charges where members of the general public are affected by the problem. If a government official of any kind is involved a Crown Prosecutor will appear in court. Wherever property damage is sustained and restitution and a suspended sentence is handed out, a Probation Officer is involed. It is the opinion of the Judges interviewed that most of these cases which they handle would be suitable for pre-trial mediation. It was stated that a large number of cases never get to the trial stage because charges are dropped or the plaintiff does not make a court appearance. However, the Judges felt that far too many of these cases did proceed to trial as it is.

The Judges felt that several benefits would occur to the court system if this type of "nuisance case" could be diverted to the Community Mediation Network. First, it might relieve some of the back up for court appearances. There is presently a waiting period for criminal code ofences of four months. Second, it would allow more time for cases involving serious charges where at times a large number of lawyer's briefs and supporting documents have to be assimilated by the trial Judge in a very short period of time.

In order to estimate the costs associated with processing the four types of offences mentioned above it is essential that the time devoted to these types of cases by the various participants or actors in the criminal justice system be assessed for some time period. Given data on the

number of charges laid, the average time required by each justice official in order to process a case, and the average hourly wage of each official, it should be possible to arrive at a reasonable estimate of these costs. Our preliminary investigation suggests that the data required to obtain the necessary information is accessible in several forms.

The Chief Clerks of the Provincial Court located in both Halfax and Dartmouth have agreed to make information of a non-confidential nature available for purposes of analysis. The City of Dartmouth Police Department Records Administration staff have already provided some quantitative data collected over the three month period from December 1983 through February 1984 broken down by type of offence and time involved for each stage of the procedure.[14] Their computerized record system allows access to accurate timely infomation for purposes of analysis. Their willingness to supply the information is due to their overall high level of interest and enthusiasm concerning the Community Mediation Network. Although the times involved at each step of the process are approximations on the part of members of the Dartmouth Police Force, multiples of 5 minute intervals were used. If it proves necessary, a simple system of monitoring time can be readily devised that would not put onerous demands on those involved. The Provincial Court Judges who have been interviewed to date have also been extremely cooperative and enthusiastic about the CMN. They have agreed to assist in any way they can to help us obtain accurate results.

Along with the quantitative information on time use we also require information concerning wages and salaries of the participants in the justice system. The Supplements to the Public Accounts of Nova Scotia provide actual annual payments to any members of provincial departments and agencies earning an annual salary greater than $15,000. This includes the salaries of Judges and chief clerks and other senior officials. The salaries of police constables and other officers are readily available from personnel departments. A preliminary interview with the City of Dartmouth's Employee Relations Officer has already provided information from which we can estimate the amount of overtime payments made to police officers resulting from their attendance court proceedings in Dartmouth. Allowing

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14. This entails: the time spent by the constable at a call, the time spent investigating and report writing should charges be laid, the time spent by sergeants and inspectors examining these reports, the time spent serving a summons and the time spent in court should the defendant plead not guilty.

for vacations, holidays and other time off it is possible to break down salary figures to estimates of hourly rates of pay. This makes calculation of the average costs of each type of case possible. In summation, with information on the number of cases, average time spent per case by the participants, and the hourly costs in dollar terms for those involved, it should be possible to derive fairly accurate estimates of the costs of each of the four types of offence processed through the criminal justice system that might be diverted to the Community Mediation Network. Figure 3 summarizes the formulae which calculate the savings in time and money which may arise within the criminal justice system.

In Figure 3, the sum of a through d are the yearly savings to referring police departments. The sum of e through g is the yearly savings to courts. The sum of a through g is the yearly savings to the criminal justice system. Excepting item d, the reduction in court appearances, and the reduction in travel costs found in a and c, these savings are far more likely to be a more effective use of the time made available to police officers and the time made available for judges rather than dollar reductions in budgets of courts or police departments. Thus the net effect on the Criminal Justice System is more evident in increased output for the same cost. Only in larger urban centres is it likely that a mediation centre operating at capacity able to make savings of sufficient magnitude that the criminal justice system can afford to reduce personnel.

Within the Community Mediation Network there exist nine major methods to calculate cost per case. The numerator can be the total yearly budget of the CMN or only the service budget of the CMN. The numerator can also be the cost of the actual time spent on intake per case averaged over a year. The purpose of obtaining actual time information is twofold 1) because mediation centres rarely perform at capacity in the first few years of operation. Thus if a cost is desired if a centre would be operating at capacity, this numerator is more appropriate, and 2) because a truer comparison should be made only with cases which might result in the four criminal code violations specified above. The denominator can be the total number of referrals, the total number of agreements (mediations and conciliations minus failed mediations), the total number of mediations. Each parameter is readily available from the CMN. The only parameter which requires additional effort is to have the intake worker keep a time diary of the actual time spent on each case. Figure 4 summarizes these cost ratios.

Figure 3

Formula for Calculating

Savings to the Criminal

Justice System

Type of Saving	Formula[1]
Police Related	
Reduction in repeat calls by police (a)	(number of repeat calls prevented x number of constables per call x avg time per call x avg hourly compensation) + (number of calls prevented x avg distance per call (km) x cost per km)
Reduction in report writing (b)	(number of reports not written x time per report x avg hourly compensation) + (number of reports not written x avg time for inspection of report by NCO x avg hourly compensation of NCO's)
Reduction in the serving of summonses (c)	(number not served x avg hourly compensation) + (number not served x avg distance per summons x cost per km)
Reduction in court appearances (d)	(1/4 number of appearances x hourly compensation) + (3/4 number of appearance x 3 x hourly compensation) *
	* This is to adjust for overtime pay.
Court Related	
Reduction in filing of complains (e)	(number of complaints reduced x avg time of court clerk x avg hourly compensation) + (number of complaints reduced x avg secretarial time x avg hourly compensation)
Reduction in cases requiring arrangement (f)	(number of cases reduced x avg time per case per judge x avg hourly compensation)
Reduction in cases requiring trial (g)	(number of trials reduced x avg time to try each case x avg hourly compensation of a judge)

1. The first variable within each expression in parentheses is a reduction in a number. Each is explained here as well as in the text. The number of calls prevented is:

number of repeat calls prevented = $\frac{\text{number of repeat calls}}{\text{number of mediatable calls}}$ x number of referrals

number of reports not written(h) = number of chargeable cases referred not resulting in the laying of charges

number of summonses not served(i)= h x number of summonses per charge

reduction in court appearances(j)= h x proportion of cases reaching trial

number of complaints reduced(k) = h + complaints referred by the court clerk

number of arraignments reduced = k x proportion of complaints reaching arraignments

number of trials reduced = k x proportion of cases reaching trial

Figure 4

Nine Definitions of
Cost per Case

		Numerator		
		Total Budget per year	Service Budget per year	Year aggregate of staff time on actual cases multiplied by hourly wage.
Demonimator	Yearly Number of Referrals	Total cost per referral	Service cost per referral	Actual cost per referral
	Yearly Number of Agreements	Total cost per agreement	Service cost per agreement	Actual cost per agreement
	Yearly Number of Mediators	Total cost per mediation	Service cost per mediation	Actual cost per mediation

Thus it would seem that a comparison on a "cost per case" basis is possible between the Community Mediation Network and the costs and cases arising from four criminal code violations processed by the traditional criminal justice system.

Once the costs of these cases amenable to mediation which are processed by the criminal justice system are known then it will be possible to measure some of the benefits of the Community Mediation Network to the criminal justice system. Three measurable benefits in particular are evident and each shall be discussed below.

First there are the direct dollar savings of reduced overtime payments made to police officers. Diversion of cases to mediation which would otherwise result in charges or escalate to charges reduce the number of cases that would go to court. Consequently police officers would be called upon to testify in court less frequently. Since a high percentage of these court appearances are made while the officer is not working his regular shift, overtime is currently paid.

Second, the reduction in court cases would allow the time of judges to be diverted to more fruitful work. Since many cases suitable for mediation are regarded as "nuisance" cases by the judges, a reduction in the number of these cases that proceed to trial would allow the judges to concentrate on more serious cases which require the reading of lengthly lawyers' briefs and the writing of judicial opinions. In effect the criminal justice system would benefit by obtaining more value for the same investment of time. It is conceivable that in a large urban area (larger than Halifax-Dartmouth) the saving of judges' time might result in fewer judges' positions needed; however, it is far more likely that judges will be able to use their time more effectively. In this sense the presence of a mediation service might not save money; however, it could facilitate the operation of a efficient and more effective criminal court system.

Third, in an analogous fashion, to the extent that the mediation of disputes (even of the non-criminal type) results in ending the necessity of repeat call-dispatches by police officers, their time is freed to perform other duties. To the extent that these duties entail increased investigation time devoted to more serious crimes, the efficienty of law enforcement would be enhanced.

The measurement of the dollar savings resulting from reduced overtime payments could be measured by comparison of the cost of overtime payments during the years preceeding the establishment of the Community Mediation Network and the present time (fiscal 1983, 1984, 1985). Qualitative changes

in the behaviour of judges and police officers must be obtained more subjectively. Since only four judges in the Halifax-Dartmouth area adjudicate the four criminal code violations listed above, each can be intensively interviewed to determine any change in his own work activities given a decline in the number of "nuisance" cases appearing for their consideration.

The measurement of the time savings effect of the Community Mediation Network on the police has previously been discussed, (see Section 3.0). Whether constables will utilize the potential time savings by increased investigation of serious cases or will reduce the length of response time required for arriving at serious calls has yet to be determined. A change in response time can be ascertained by analysis of police records (Section 3.0). A change in the amount of investigative activity can only be determined by a retrospective survey wherein constables are asked whether their own investigative time has increased or not. Be that as it may, we would anticipate that any reduction in constables "nuisance" calls would increase their satisfaction. This hypothesis would also be tested by such a survey.

6.0 Mediation Process

Question B2

What is the nature of the mediation process?

The value of an analysis of the process of mediation is significant for several reasons. First of all, dispite the 1/4 million mediations which occur in North America each year, it is not clear what training or background is critical to improve the quality of mediators, (Benoit, 1983) Thus a careful description of differences in interaction patterns between successful and unsuccessful mediations is valuable. With such information, mediators could be trained to diagnose interaction patterns between disputants during their opening remarks and intervene so as to maximize the satisfaction with any agreement which might be reached. Second it is possible to compare interaction patterns during mediation with discussions between disputants who do not employ mediation. (These disputes would have to be carefully screened.) In this way the impact of the mediation process itself on the interaction process could be detected.

The analysis of interaction requires first of all the selection of a coding procedure and a method to analyse the resulting data. The selection of a coding procedure is not easy. To date no detailed coding procedure exists to be applied exclusively to the mediation process.

Unfortunately, Bales Interaction Process Analysis is designed to apply to five-person problem solving groups of strangers who have little stake in the outcome of the conversation, (Bales, 1950). Moreover no explicit status or role differentiation is imposed on the groups who are usually college freshmen.

Improvements on Bales Interaction Process Analysis are those coding systems designed to deal with conflict. Those investigations concerned with marital conflict in particular have developed the strongest and most continuous line of research. In particular the Couples Interaction Scoring System (CISS) is useful (Gottman, 1979). The major advantage of CISS over Bales' approach is that CISS is based on actual conflicts between couples; as such its relation to interaction between disputants is greater. The major disadvantage of CISS is that it is designed for the dyadic interaction of couples rather than the small group interaction which arises among two disputants and one or two mediators.

An additional coding system considered was the one developed by Sillars (1980) to study the interaction arising from conflict between roomates. Although several of its features were incorporated into the ultimate coding scheme we have developed, it was not adopted since it was primarily designed to address suppressed conflict. Since conflict entering mediation is ordinarily quite evident, many of its categories were irrelevant.

Aside from these arguments an additional criterion was the ease and reliability of coding. John Benoit and Susan Bennett Murphy coded several video taped mediations discovering that the Gottman CISS obtained the highest intercoder reliability ($r = .858$). Moreover the categories were highly relevant to mediation. However, a change in Gottman's definition of the communicative act was necessary.[15] Moreover problem solving and information, one of the CISS categories, was split into presentation of

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15. Gottman defined the basic communicative act as a thought expressed as a sentence in speech. This is a very microscopic definition. At another extreme the speaking turn is used by Bales. We selected the act to be speaking related to a particular code. The change in speakers or the change in type of speech from one code to another defined the basic communicative act. Thus by definition one speaker would never repeat a particular type of communicative act. Since the unit of analysis is the basic communicative act, it will not be necessary to code all mediations. This will significantly reduce the potential cost in time and/or money.

solutions and information. Further the category summarizing self was eliminated and taking responsibility for own actions was added.[16] The result is an eleven category code described in Apendix G.0 of this report.

A second issue is the means to analyze Gottman's CISS scale. One method of analysis is to examine the conditional probability of a specific category given the presence of any other category. Indeed it is possible to consider the conditional probability of a particular disputant behaviour given a specific mediator behaviour. An illustration would be useful here. Often the "solution" to a dispute is evident to the mediator. One could ask whether the probability of disagreement to a proposed solution is less when the mediator rather than the other disputant proposes the solution? Further a greater number of disagreements may imply an inability to reach agreement. The conditional probabilty of reaching an agreement is affected by the proportion of disagreements in the mediation session. Certainly this is a typical finding in the marital interaction literature. (Gottman, 1979) Thus the quandary: "should the mediator propose solutions or should the mediator, by asking questions, encourage disputants to propose solutions?" may now be resolved.

A second form of analysis is to compare the patterns of successful and unsuccessful mediations.[17] Various additive and interaction effects of the type of interaction on the success of the mediation can be tested. For example, when the ratio of agreements to disagreements is higher, are satisfactory agreements more likely? A third form of analysis is to present a transition probability matrix. (see Appendix G.0) Differences in the transition probabilities of going from proposing a solution item to an agreement item may be related to whether an eventual agreement is reached. Thus a comparison between the transition probability matrix of successful and unsuccessful mediations can be made.

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16. Taking responsibility was a separate integrative code developed by Sillars (1980).

17. Here success is defined not only in terms of whether a written agreement is reached, but also how satisfied the disputants are with the agreement. The satisfaction score is obtained from the follow-up interview schedules, Mediation I and Mediation II.

7.0 Research Ethics: Individual and Community Issues

Some of the most sensitive issues surrounding the development of a mediation service in the Halifax area are related to research. The residue of at least one previous academically initiated "community" undertaking had left some community leaders very wary of anything that even hinted that citizens, especially the more powerless members of the community, would be used as the "subjects" of university research.[18] The sense that the "community had been researched to death" and that only researchers benefit from this was very strong. This meant that not only did we have to be concerned about the ends of the research, the intrusiveness of our methods and the protection of individuals and groups but, more importantly, we had to be seen as being concerned about these issues.

The specific problems that were addressed are not unique to this project. They generally fall within the scope of issues of ethics in research on human subjects. The specific issues concerning research raised during the course of developing the project can be subsumed under the following three headings:

1. The relationship between the "researcher" and the "researched".

2. Confidentiality and privacy.

3. The ends of the research and the benefits to individuals and the community.

The main focus of most ethical considerations in research tends to center on the ongoing relationship between researchers and subjects. The guiding principle is that research should not be carried out without the "informed, voluntary consent of subjects". The purpose of informed voluntary consent is to protect subjects and to enable them to benefit from the research by virtue of their knowledge of it. While there are a number of important considerations surrounding questions such as "fair explanation" and "competent and voluntary choice" it is generally agreed that informed voluntary consent can help establish some reciprocity between subjects and researchers.

In June of 1983 the Community Mediation Network established, as policy, the requirement that all research on disputants be carried out with their informed voluntary consent.

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18. North End Diversion Project.

> All disputants (are asked to) sign a consent form explaining the nature of the research, this form indicates how data is to be collected and why it is to be collected in a general sense. It also indicates that the data will be kept confidential. Disputants are further informed that whereas their cooperation is desirable, refusal to provide information will not prejudice the mediation process. Discussion of procedures shall be done with those who are researched. Moreover any data collection procedure shall be used and retained by consent of the researched before and after the use of such a procedure.[19]

The requirement for informed voluntary consent is a constant one. Disputants are not only informed at the outset that they may withdraw their consent at any time without consequence but researchers are required to inform, and reconfirm or renew consent before engaging in the follow-up interviews.

The concern for privacy and confidentiality has to do with the right of people to choose for themselves the time and circumstances under which their personal history, present circumstances, social relationships, attitudes, beliefs and opinions are to be communicated to, or withheld from others. This concern is particularly great today when so much information on individuals is stored on computer which, in the absence of complex security measures, is easily accessible.[20]

Privacy and confidentiality may be considered from three different perspectives: the sensitivity of the information, the setting being observed, and the dissemination of the information. In the case of the mediation research this implies that: (a) the names of the disputants, mediators and referral agencies not be divulged (b) the disputes not be discussed or records kept that could link the substance of the dispute with particular persons,

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19. Community Mediation Network Service "Policy Recommendations", Research Committee Meeting, June 3, 1983. Approved by Board of Directors, Monday, June 27, 1983. See Appendix H.0.

20. Any identifying information will not be placed in the data files stored in the computer. Nevertheless, this pervasive belief must be taken into account on communicating the meaning of confidentiality to disputants.

and (c) that access to data on disputants be restricted.

In order to help guarantee the confidentiality of information the following procedures were established:[21]

1. The use of research information in an aggregated form rather than on an individual case-by-case basis.

2. Transcripts or minutes of individual mediation sessions are not made except where specific research projects require and then only with the expressed written permission of the disputants.

3. The maintenance of a limited amount of information on individuals and the substantive issues of particular cases. Because most of the research interest focuses on the process of resolving conflict neither the names of the individuals nor the nature of the dispute is of primary interest.

4. Establishing separate files of information which cannot be linked by means of common identification numbers. Files on particular cases containing the names of individuals would have different identification numbers than research files. File numbers rather than peoples' names will be used in the identification of data.

The final problem with respect to data collection has to do with the the ends of the research and the benefits of it to individuals and to the community. What is the research designed to do? In whose interests is it being carried out? Who stands to lose or benefit from it? Two isues arise. First, it was felt from the outset that the needs of individuals and the community must not be compromised by the research. One concern was that of research design. Bio-medical research, for instance, often requires the establishment of control groups such that some people receive "treatment" and others do not. Such experimental approach was deemed as totally inappropriate in the case of mediation research. Access to the mediation

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21. It is impossible to guarantee confidentiality with respect to legal proceedings. The privilege to withhold information by reason of confidentiality only extends to lawyers and health professionals. Mediators would not be protected from testifying in court and the files could be confiscated for evidence. This has not created problems for most mediation centres as the number of cases where such an issue might arise is very limited.

service by all who need it was important to all concerned. It was decided therefore, that the project would employ quasi-experimental and statistical methods to control for spurious relationships and that no one would be denied assistance or treated differently for research purposes.

Second, in developing the project there was concern within the community about how well mediation would serve the marginalized, more dependent members of the population, individuals who, by virtue of their education, economic position or oher factors usually find themselves relatively powerless in conflict situations. Although the research design has not focused explicitly on the special requirements of subordinated members of the community, discussion within the Community Mediation Network has created sensitivity to the following considerations.

1. An attempt, through the research process, to examine the issue of power differentials in order to better understand how more balance can be achieved in such settings. (see Question 5 in Mediation I, Appendix B.2)

2. The provision of additional assistance to parties requiring help dealing with a conflict situation including preparing them for a mediation session.

3. To provide as much information as possible to disputants about the mediation process, the mediation organization and the research methods.

4. To stress that mediation does not inhibit ones right to pursue other remedies.

5. To work in conjunction with professionals and other organizations concerned with the welfare of individuals in dependent or marginalized groups.

A more general concern is the possible conflict between the concerns of the researchers and the needs of the community. As such mediation investigators must be concerned not only with the relationship between disputants but with the relationship between their overall research effort and the community. A concern for reciprocity on an interpersonal level without uncomitant concern for reciprocity between the project and the community raises serious ethical issues.

From the outset of planning the project it was strongly felt the typical academic objective of advancing knowledge would not be enough to justify it. The needs and interests of the community must be seriously taken into account. It was sugested that the research should be guided by the following principles.

1. The research would address questions of concern to the community, mediation centres and scholars.

2. The research would be participatory (to the extent that) the ends and interests of researchers and researched shall be considered.[22]

These principles have so far been realized by making any research activities responsible to the Board of Directors. It is a major concern that the project, in all its aspects, including its research aspect, be effectively governed by a body representative of differing interest in the community. The challenge to the project in this regard is that of encouraging "informed direction" by those on the Board. Over the course of the research it is expected that the needs of the community will be addressed through means such as publication of research results, community workshops on conflict resolution, and, ongoing consultation with a variety of individuals and groups. It is important that means be found for the research effort to be continually evolving in shaping and being shaped by broad community interests.

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22. "Policy Recommendations", Research Committee Meeting see Appendix H.0.

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Appendix A.0
The Research Questions

Question A1: To what extent does diversion deal with cases which normally would have been dealt with by the traditional process?

Revised A1: To what extent does the Community Mediation Network deal with cases which would normally have been dealt with by the criminal justice system?

Question A2: What are the relative dollar costs of diversion as compared to the relative dollar costs of processing through the traditional system for the same type of offences?

Revised A2: What are the relative dollar costs of mediation as compared to the relative dollar costs of processing through the criminal justice system for the same type of offence?

Question A3: Does diversion result in changes in the extent to which the community relies on the criminal justice system?

Revised A3: Does mediation result in changes in the extent to which the community relies on the criminal justice system?

Question A4: To what extent does the existence of a diversion program result in a lessening of the demands placed on the criminal justice process by non-crime-related problems of the offender?

Revised A4: To what extent does the existence of the Community Mediation Network result in change in the extent to which the community relies on the police?

Question A5: With regard to enlarging the role of the community in the management of criminal behaviour, to what extent are appropriate Strategies and Techniques being utilized and Sub-Objectives being met by diversion projects?

Revised A5: Has the existence of the Community Mediation Network enlarged the community's role in the management of criminal behaviour?

Question A6: Has the opportunity for more efficient use of criminal justice resources been made use of by the traditional process?

Revised A6: Has the opportunity for more efficient use of criminal justice resources been made use of by police and courts as a result of the existence of the Community Mediation Network?

Question B1: What is the role of the victim and the offender in the traditional criminal justice process?

Revised B1: How is the mediation process explained to disputants and why do they accept or reject the procedure?

Question B2: What is the nature of the mediation process and of the performance of conditions stipulated in the negotiated agreement?

Revised B2: What is the nature of the mediation process and how do variations in this process affect the success of mediation?

Question B3: What are the consequences for the victim and offender of the mediation process and of the performance of conditions stipulated in the negotiated agreement? To what extent do the experienced consequences differ for participants in the diversion process as opposed to the traditional criminal justice process?

Revised B3: What are the consequences for the disputants resulting from the mediation process and the performance of the conditions stipulated in the negotiated agreement? To what extent do these consequences differ for disputants experiencing mediation as compared to disputants who do not experience mediation?

Question B4: What practices and procedures are employed in the operation of the diversion project?

Revised B4: What practices and procedures are employed in the operation of the Community Mediation Network?

Question B5: For police, Crown Counsel, judges, probabion workers, defence counsel and community resource persons, what is the degree of satisfaction with the diversion process as compared to the traditional criminal justice process?

Revised B5: For police, what is the degree of satisfaction with the Community Mediation Network for certain kinds of cases compared with processing the same kinds of cases usin the criminal justice system?

Question B6: What capacity exists in the Canadian public to support and/or tolerate alternative dispositions and processes for dealing with certain types of criminal behaviour?

Revised B6: What capacity exists in the Halifax/Dartmouth public to support and/or tolerate mediation or the Community Mediation Network?

Appendix B.0

Interview Schedules Assessing the Impact on Disputants

B.1 Introduction

The major purposes of the follow-up interviews of disputants are to determine whether the agreement has been kept and preserved for more than one half year, and to determine what effect the presence of mediation has had on the relationship between disputants and the ability of the disputant to constructively deal with future conflict. It is also desirable to understand the origins of the dispute and the factors which might determine whether mediation would be selected or not.

Although much of this discussion must be speculative at this stage, theory and some evidence suggests that the intractability of the disputant may depend upon his/her definition of the cause of the dispute. To the extent that the relationship between disputants are distant, then attribution theorists argue one is more likely to see the other party's behaviour as an intentional cause of the disputants' current misfortune, (Kelley, 1967). As such retribution is more likely to be demanded by the complainant. This may render the use of mediation more difficult. Further certain personality traits are associated with such a demand for retribution. These traits are high anomie, high internality, strong belief in a just world and low trust in people. These personality traits are measured in both follow-up interview schedules, both for those disputants who employ mediation and those who do not. In addition, it is reasonable to suppose that the extent of neighbourliness may vary between those who chose mediation and those who do not. Similarly neighbourliness may vary between those who have disputes sufficiently serious to result in referral to the CommunityMediation Network and those who do not have these disputes. Perhaps, it might be argued that greater neighbourliness will be found among the general population of the Halifax CMA than is the case among the disputants referred to the Community Mediation Network. Consequently neighbourliness will also be measured in the attitudinal survey presented to a sample of the Halifax CMA.

Clearly the use of mediation or referral to it may also be related to a number of social variables; thus measures of age, marital status, sex, education, employment income and Blishen occupational prestige scores will also be obtained. In this way several social profiles may be compared with the "average citizen": a profile of the disputant referred to the CMN, a profile of the disputant who uses mediation, a profile of the disputant who does not, a profile of the disputant who reaches agreement, and a profile of the disputant who maintains the agreement. Comparisons among these profiles not only highlights causal processes leading to mediation, they also provide selection criteria for the intake workers, the referral agents such as police and social service workers, and finally they may help to define potential target populations for subsequent mediation projects.

Table 3

Means and Standard Deviations of Similar Questions Asked By the Community Mediation Service Kitchener-Waterloo

Interview Schedule(s)	Question(s)	Mean	Standard Deviation
Mediation I	1	4.340	0.961
Mediation I	2	4.083	1.028
Mediation I	3	3.020	0.473
Mediation I, Non Mediation I	15a,10a	1.679	0.674
Mediation I, Non Mediation I	15b,10b	2.877	2.255
Mediation I, Non Mediation I	15c,10c	3.075	2.093
Mediation I, Non Mediation I	15d,10d	2.864	1.760
Mediation I, Non Mediation I	12a,17a	3.683	1.061
Mediation I	18a	1.098	0.279
Mediators' Questionnaire	3[a]	6.965	3.845
Mediators' Questionnaire	13[a]	3.850	2.338

a. These questions are transformed from a 10-point scale to a 5-point scale in the Mediators' Questionnaire.

Appendix B.2

Mediation I

CONFIDENTIAL

ID No. 1-4/

Disputant Type 5/

Card No. 6-7/01

Instrument No. 8/

Community Mediation Network Service

First Follow-up Interview Schedule of Disputants Who Employ Mediation

Time Duration of Interview (minutes) 9-10/

Date of Mediation (day,month,year) 11-16/

Date of Interview (day,month,year) 17-22/

Hello, I'm _____ of the Community Mediation Network Service. About a month ago you attended a mediation session. Because we would like to improve our service, we would like to ask you a few questions about what has happened since. Naturally I like to mention that whatever you tell us will be kept in the strictest confidence. OK?

First, I would like to get some idea of what you thought about the mediation itself.

1. How well do you think your mediators understood your situation? Would you say, for instance, that they understood you:

READ

Very Poorly	1	
Pretty Poorly	2	
Neutral	3	23/
Pretty Well	4	
Very Well	5	

2. How well would you say your mediators handled the meeting? Would you say...

READ

Very Poorly	1	
Pretty Poorly	2	
Neutral	3	24/
Pretty Well	4	
Very Well	5	

3. What would you say about the length of time spent in the mediation meeting? Would you say that the mediators spent too much or too little time with you, or that it was just about right?

Definitely too short	1	
Perhaps too short	2	
About right	3	25/
Perhaps too long.	4	
Definitely too long	5	

4. How fair would you say the mediators were in dealing with your case? Would you say...

READ

Not fair at all.	1	
Barely fair	2	26/
Moderately fair.	3	
Very fair	4	

5. Sometimes people feel that they walk into the mediation session in a very powerful position; sometimes they feel their own position is very weak. When you entered the mediation session, how powerful did you feel your own position was relative to the other person you had a problem with. Would you say your position was:

READ

More powerful than the other person. .	3	
About the same	2	27/
Less powerful than the other person. .	1	

6. Can you think of anything that the mediators might have done differently or better?

PROBE: (i.e. learning about problem)

_____ 28/

_____ 29/

_____ 30/

7. Now I'd like to know, how did you find out about the mediation service?

Police	1	
Human Rights	2	
Help Line	3	
Other Social Services	4	31/
Lawyer	5	
Media	6	
Word of Mouth	7	
From the mediation service itself . .	8	

8. Once your mediation session was scheduled but before you actually attended it, how interested were you in using mediation to deal with your problem? Were you:

READ

Almost ready not to show up	1	
Interested only out of curiosity	2	32/
Moderately interested	3	
Anxious to solve the problem using mediation	4	

I understand you have a problem with (USE OTHER DISPUTANT'S NAME FOUND ON INTAKE FORM). Is that right?

9. Did this problem

READ

Occur only once	1	
Occur occasionally	2	33/
Occur frequently	3	

10. Is this problem still going on now?

Yes . . . *Skip to Q.12*	1	34/
No	2	

11. Do you think this problem would have continued if nothing was done about it?

Yes	3	
Yes (qualified)	2	35/
No	1	

12. Before you went to mediation, for how long did you have a problem with the other person?

_____ number of		36-37/
Days	1	
Weeks	2	38/
Months	3	
Years	4	

I'd like you to think about what you thought was the cause of the problem before the mediation session.

13a. Would you say the problem was primarily caused by:

READ	You . .*Go to 13b*.	1	39/
	The other person .*Go to 13c*	2	

13b. Would you say...

READ	You acted the way you did because of the situation you were in . . . . *Go to 14*	1	40/
	You acted the way you did because that is what you wanted to do .*Go to 14* .	2	

13c. Would you say that the other person...

READ	Acted the way s/he did because of the situation s/he was in	1	41/
	Acted the way s/he did because that is what s/he wanted to do	2	

14. I would now like to know a bit more about what you think caused you problem with (USE OTHER DISPUTANT'S NAME). I'm going to ask you some questions, please indicate whether you agree strongly or mildly, or disagree strongly or mildly.

READ	Agree Strongly	Agree Mildly	Neutral (DON'T SAY BUT CODE)	Disagree Mildly	Disagree Strongly	
You were having a problem with (USE OTHER DISPUTANT'S NAME). Is that because the situation you were in forced you to act that way?	5	4	3	2	1	42/
Is it because of what <u>you</u> did intentionally and deliberately?	5	4	3	2	1	43/
Is it because of what (USE OTHER DISPUTANT'S NAME) did intentionally and deliberately?	5	4	3	2	1	44/
Is it because of what (USE OTHER DISPUTANT'S NAME) did but the situation s/he was in forced him/her to act in that way?	5	4	3	2	1	45/

Now I would like to get some information about what has happened since the mediation meeting about a month ago.

15a. First, do you still have any contact with the person(s) you had the problem with?

Yes . . . *Go to 15c.*	1	46/
No	2	

15b. Why don't you have any contact?

I avoid him/her	1	
S/he avoids me	2	
See each other but ignore	3	47/
I moved	4	
S/he moved	5	
Other *SPECIFY* _____	6	

Go to 16.

15c. On the average, about how often do you see or talk to this person/people?

Would you say:
READ

At least 5 days/week	20	
At least 3 days/week	12	
At least 1 day/week.	04	48-49/
At least twice/month	02	
At least once/month.	01	

15d. Would you say that your contact with this person/s is:

READ

Always uncomfortable	1	
Usually uncomfortable	2	50/
Neither (DON'T READ BUT CODE)	3	
Usually comfortable	4	
Always comfortable	5	

15e. How would you describe your relationship with (USE OTHER DISPUTANT'S NAME) compared with the days immediately before your mediation session. Would you say your relationship is:

READ

Much worse now	1
Somewhat worse now	2
About the same now	3
Somewhat better now	4
Much better now	5

51/

16. Does anyone else in your family continue to have problems with (USE OTHER DISPUTANT'S NAME)?

Yes	1
No	2

52/

17a. Would you say that the situation today is better or worse than before you went to the mediation meeting?

READ

Much worse now	1
Somewhat worse	2
About the same *Skip 17b Go to 17c*	3
Somewhat better now	4
Much better	5

53/

17b. In your opinion, what has made it better/worse?

Space	1
Time	2
We didn't keep the agreement	3
We kept the agreement	4
Other *(SPECIFY)* _____	5

54/

Skip to 17c.

17c. Why has this situation not changed?

Space	1
Time	2
We didn't keep the agreement	3
We kept the agreement	4
Other *(SPECIFY)* _____	5

55/

18a. Did you reach agreement in the mediation meeting?

Yes	1	56/
No . . . *Skip to 21*	2	

18b. Was the agreement written down?

Yes	1	57/
No	2	

18c. How satisfied are you that this was the best you could have done in the situation? Are you...

READ	Very dissatisfied	1	
	Somewhat dissatisfied	2	
	Neutral	3	58/
	Somewhat satisfied	4	
	Very satisfied	5	

18d. Overall, how well has the agreement worked out so far? Would you say...

READ	Very poorly	1	
	Pretty poorly	2	59/
	Pretty well	3	
	Very well	4	

18e. How fair would you say the agreement was to everyone concerned? Would you say...

READ	Very unfair	1	
	Somewhat unfair	2	60/
	Somewhat fair *Skip to 19*	3	
	Very fair *Skip to 19*	4	

18f. Why is the agreement unfair? 61-63/

_____

_____

_____

_____

19. One of our concerns is to understand whether the agreement between you and the other person has been kept. I'll ask you about each of the issues in the agreement. Please tell me if this has been kept.
(FILL IN BEFORE INTERVIEW)

	Yes Completed	Yes Ongoing	No Completed	No Ongoing	
a) _____					
_____	1	2	3	4	64/
b) _____					
_____	1	2	3	4	65/
c) _____					
_____	1	2	3	4	66/
d) _____					
_____	1	2	3	4	67/
e) _____					
_____	1	2	3	4	68/
f) _____					
_____	1	2	3	4	69/

20. Has this agreement affected other people other than you and (USE OTHER DISPUTANT"S NAME)?

Yes 1 70/
No . . . . . *Go to 21*. 2

20b. Who has it affected? (CHECK AFFECTED GROUP ON LEFT) Are your (AFFECTED GROUP) better off now, the same now or worse off now.

	Better Off	The Same	Worse Off	
Spouse	3	2	1	71/
Children	3	2	1	72/
Friends/Visitors	3	2	1	73/
Other Neighbours	3	2	1	74/
Other Co-workers	3	2	1	75/
Others (SPECIFY)_____	3	2	1	76/

21. Generally speaking, how satisfied have you been with the overall result of going to the mediation service?

READ

Very unsatisfied 1
Somewhat unsatisfied 2
Somewhat satisfied 3
Very satisfied 4

77/

1-4/
5/
6-7/02
8/

22a. Have you had any problem with anyone else since the mediation session? Even a minor problem...

Yes 1
No . . . . . *Go to 23* 2

9/

If "Yes",

22b. What was the problem about?

_____ 10-11/

_____

_____

_____

22c. What did you do? (PROBE)

_____ 12-13/

_____

_____

_____

22d. Might this problem be helped by mediation?

Yes 1
No 2

14/

FOR COMPLAINANTS ONLY

23. Now, I believe you found out about the mediation service through _____(fill in referral agent) (Verify)

23a. Did you ever get back in touch with _____ about this particular problem?

Yes 1 15/
No 2

23b. If "Yes", How often? _____ times. 16-17/

23c. Have you talked to (fill in name) _____ about any other problem since the mediation meeting?

Yes 1 18/
No 2

23d. If "Yes", How often? _____ times. 19-20/

23e. What type of problem was it? (RECORD TYPE OF PROBLEM.

_____ 21-22/

_____

_____

FOR ALL DISPUTANTS

Now I have a few more general questions to ask you. The questions that follow help us to understand why mediation might be useful.

24. Please indicate the extent to which you agree or disagree with the following statements.

	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree	
There's little use writing to public officials because they often aren't really interested in the problems of the average man.	4	3	2	1	23/
Nowadays a person has to live pretty much for today and let tomorrow take care of itself.	4	3	2	1	24/
It's hardly fair to bring children into the world with the way things look for the future.	4	3	2	1	25/
These days a person doesn't really know whom he can count on.	4	3	2	1	26/

25. Now I'm going to read two statements to you. Please tell me which statement you believe more.

25a. Generally speaking, would you say that most people can be trusted or that you can't be too careful in dealing with people.

Most can be trusted 1 27/

Can't be too careful 0

25b. Would you say that most of the time, people try to be helpful, or that they are mostly just looking out for themselves?

Try to be helpful 1 28/

Look out for themselves 0

25c. Do you think that most people would try to take advantage of you if they got the chance or would they try to be fair?

Take advantage 0 29/

Try to be fair 1

26a. Would you say...

What happens to you is your own doing. or

Sometimes you feel that you don't have enough control over the direction your life is taking.

Your own doing 0 30/

Not enough control 1

26b. Would you say...

When you make plans, you are almost certain that you can make them work. or

It is not always wise for you to plan too far ahead because many things turn out to be a matter of good or bad fortune anyhow.

Can make them work 0 31/

Good or bad fortune 1

26c. Now, have...

You often found that what is going to happen will happen. or

Trusting to fate has never turned out as well for you as making a definite decision.

Going to happen will happen 1 32/

Trusting fate never as well as 0

26d. Would you say...

Many times you might just as well decide what to to do by flipping a coin. or

In your case, getting what you want has little or nothing to do with luck.

Flipping a coin 1 33/

Nothing to do with luck 0

Now I'm going to ask you a few background questions.

27. From where do you live in this part of Nova Scotia? That is, is it...

READ

Halifax	1	
Dartmouth	2	
Lower Sackville	3	34/
Bedford	4	
Halifax Co., (Specify)_____	5	
Elsewhere (Specify)_____	6	

28. In what year were you born? _____ 35-38/

29. What is your current marital status. That is are you..

START READING

Married	1	
Living common law	2	
Single	3	39/
Separated	4	
Divorced	5	
Widowed	6	

30a. Do you have any children?

Yes . . . *Go to 30b*	1	40/
No . . . *Go to 31*.	2	

30b. How many children do you have? _____ 41-42/

31. What is the last grade you completed in school?

If high school or less record grade	_____
If post high school record year	_____
Vocational Training	_____
University	_____ 43-44/

32a. Are you currently working for pay? 45/

Yes 1

No . . . *Go to 33a.* 2

IF YES...

32b. Where do you work? 46-48/

_____

32c. What kind of work do you do? (RECORD SPECIFIC INFO) 49-52/

_____ 53-55/

_____

SKIP TO 34

33a. Did you ever work for pay? 56/

Yes 1

No . . . . . *Go to 34* 2

33b. What was the last full-time job you had of six months or more in duration? 57-60/

_____ 61-63/

_____

33c. When did you stop doing this work? _____month 64-65/

_____year 66-67/

34a. *IF NOT MARRIED, SKIP TO QUESTION 35* 1-4/ 5/ 6-7/03

Does your husband/wife work for pay? 8/

Yes 1

No 2 9/

34b. What kind of work does s/he do? 10-13/

_____ 14-16/

_____

35. How much money did you as an individual earn from all sources, employment and otherwise, in 1982? 17-21/

$ _____ respondent

36. How much money did your family, including yourself, earn from all sources, employment and otherwise, in 1982? 22-26/

$ _____ family

We would like to contact you again in about 6 months to a year to see if the agreement is still being kept and to learn whether you've had any other problems. Would you please give us the name, address, and phone number of a friend or relative who can be contacted in case you move?

_____

_____

_____

_____

Thank you. This ends the interview, have a nice day. Please contact us if you have any questions or if you have any problem where you think mediation might help. Our number is 423-9384.

FOR INTERVIEWER:

Were there any problems with this interview?

_____

_____

_____

_____

_____

_____

Appendix B.3

MEDIATION II

CONFIDENTIAL

ID No 1-4/
Disputant Type 5/
Card No 6-7/01
Instrument No 8/

Community Mediation Network
Service
Second Follow-up Interview
of
Disputants Who Employ
Mediation

Time
Duration
of Interview 9-10/
(minutes)

Date of Mediation 11-16/
(day, month, year)

Date of Interview 17-22/
(day, month, year)

Hello I'm _____ of the Community Mediation Network Service. About seven months ago you attended a mediation session where (USE OTHER DISPUTANT'S NAME) was also present. About a month after this you were interviewed over the phone to tell us what happened since the mediation session. Now we would like to ask you what has happened since that interview. Naturally I would like to mention that whatever you tell us will be kept in strictest confidence. OK?

1. Is the problem with (USE OTHER DISPUTANT'S NAME) still going on now?

Yes 1

No . . . *Skip to Q. 3* 2 23/

2. Do you think this problem would have continued if nothing was done about it?

Yes 3

Yes (qualified) 2 24/

No 1

1-4/

5/

6-7/02

8/

3a. Do you still have any contact with the person(s) you had the problem with?

Yes . . . *Go to 3c.* 1

No 2 9/

3b. Why don't you have any contact?

I avoid him/her 1

S/he avoids me 2

See each other but ignore 3

I moved 4

S/he moved 5

Other (SPECIFY) _____ 6 10/

GO TO 4.

3c. On the average, about how often do you see or talk to this person/people?

Would you say...

READ

At least 5 days/week	20	
At least 3 days/week	12	
At least 1 day/week	04	
At least twice/month	02	
At least once/month	01	11-12/

3d. Would you say that your contact with this person/s is:

READ

Always uncomfortable	1	
Usually uncomfortable	2	
Neither (DON'T READ BUT CODE)	3	
Usually comfortable	4	
Always comfortable	5	13/

3e. How would you describe your relationship with (USE OTHER DISPUTANT'S NAME) compared with the days immediately before your mediation session. Would you say your relationship is:

READ

Much worse now	1	
Somewhat worse now	2	
About the same now	3	
Somewhat better now	4	
Much better now	5	14/

4. Does anyone else in your family continue to have problems with (USE OTHER DISPUTANT'S NAME)?

Yes	1	
No	2	15/

5a. Would you say that the situation today is better or worse than before you went to the mediation meeting?

READ

Much worse now 1
Somewhat worse 2
About the same *Skip to 5b. Go to 6a.* 3
Somewhat better now 4
Much better 5 16/

5b. In your opinion, what has made it better/worse?

Space 1
Time 2
We didn't keep the agreement 3
We kept the agreement 4
Other *(SPECIFY)* _____ 5 17/

6a. Did you reach agreement in the mediation meeting?

Yes 1
No . . *Go to 9* 2 18/

6b. How satisfied are you that this was the best you could have done in the situation? Are you...

READ

Very dissatisfied 1
Somewhat dissatisfied 2
Neither satisfied nor dissatisfied 3
Somewhat satisfied 4
Very satisfied 5 19/

6c. Overall, how well has the agreement worked out so far? Would you say...

READ

Very poorly 1
Pretty poorly 2
Pretty well 3
Very well 4 20/

6d. How fair would you say the agreement was to everyone concerned? Would you say...

READ

Very unfair 1

Somewhat unfair 2

Somewhat fair 3

Very fair 4 21/

7. One of our concerns is to understand whether the agreement between you and the other person has been kept. I'll ask you about each of the issues in the agreement. Please tell me if this has been kept.
(FILL IN BEFORE INTERVIEW - PLACE ITEMS IN THE IDENTICAL ORDER FOUND IN THE ONE MONTH FOLLOW-UP)

	Yes Completed	Yes Ongoing	No Completed	No Ongoing	
a) _____					
_____	1	2	3	4	22/
b) _____					
_____	1	2	3	4	23/
c) _____					
_____	1	2	3	4	24/
d) _____					
_____	1	2	3	4	25/
e) _____					
_____	1	2	3	4	26/
f) _____					
_____	1	2	3	4	27/

8a. Has this agreement affected other people other than you and (USE OTHER DISPUTANT'S NAME)?

Yes 1

No . . . *Go to 9* 2 28/

8b. What has it affected? *(CHECK AFFECTED GROUP ON LEFT)*

	Better Off	The Same	Worse Off	
Spouse	3	2	1	29/
Children	3	2	1	30/
Friends/Visitors	3	2	1	31/
Other Neighbours	3	2	1	32/
Other Co-workers	3	2	1	33/
Others *(SPECIFY)*_____	3	2	1	34/

9. Generally speaking, how satisfied have you been with the overall result of going to the mediation service?

READ

Very unsatisfied 1

Somewhat unsatisfied 2

Neither satisfied nor dissatisfied
DON'T READ BUT CODE 3

Somewhat satisfied 4

Very satisfied 5 35/

10. Have you had a dispute with anyone else since your mediation session. Even a minor one...say with a friend, spouse or neighbours or child.)

_____ Yes 1

No . . . *Skip to Q. 12* 2 36/

11a. If yes - did your experience attending the mediation session help you to deal with this other dispute? Would you say...

a) it was more harmful than helpful . *Go to 11c* . 1

b) it had no effect . . . . *Go to 11d* 2

c) it was somewhat helpful *Go to 11b* 3

d) it was very helpful . . *Go to 11b* 4 37/

11b. In what way was mediation helpful?

_____

_____

_____ 38-39/

11c. In what way was mediation harmful?

_____

_____

_____ 40-41/

11d. Why would you say your experience in mediation had no effect?

_____

_____

_____ 42-43/

12a. Suppose another dispute similar to the one you had before were to arise again with (USE OTHER DISPUTANT'S NAME). What do you think you would most likely do first? Would you...

READ

a) talk to (USE OTHER DISPUTANT'S NAME). 1

b) call the Community Mediation Network 2

c) call the police 3

d) call a lawyer 4

e) other *(SPECIFY)* _____ 5 44/

12b. If talking to (USE OTHER DISPUTANT'S NAME) did not resolve the problem, would you...

READ

a) call the Community Mediation Network 1

b) call the police 2

c) call a lawyer 3

d) other *(SPECIFY)* _____ 4 45/

12c. Suppose a similar dispute were to arise with some other person. What do you think you would most likely do first? Would you...

READ —— a) talk to this person 1
b) call the Community Mediation Network 2
c) call the police 3
d) call a lawyer 4
e) other *(SPECIFY)* _____ 5 46/

12d. If talking to this other person did not resolve the problem, would you...

READ a) call the Community Mediation Network 1
b) call the police 2
c) call a lawyer 3
d) other *(SPECIFY)* 4 47/

48/9

13. Have you told anyone else about the Community Mediation Network?

Yes 1
No 2 49/

14. What would you say is the main thing you learned because you used the CMNS?

DON'T READ
BUT CODE a) nothing 01
b) neutrality 02
c) there are two sides to every story 03
d) problems can be resolved by talking 04
e) if you have a problem you have to work it out with the other person only 05
f) I can talk to this person again 06
g) mediation can be used again 07
h) other *(SPECIFY)* _____ 50-51/

ASK IF MARRIED ONLY, CHECK FIRST FOLLOW-UP, IF NOT MARRIED GO TO 17

15. When you have a minor problem with your wife/husband, has your experience in mediation helped you?

a) Yes, a great deal 1
b) Yes, somewhat 2
c) Neither Yes nor No 3
d) No, I've been harmed using it 4
e) No, it is a mistake to use mediation here 5 52/

ASK IF MARRIED WITH CHILDREN, CHECK FIRST FOLLOW-UP, OTHERWISE TO TO 17

16. When your children are in dispute with each other or your wife/husband, do you use any experience in mediation to help deal with this dispute?

a) Yes, a lot 1
b) Yes, a little bit 2
c) No 3 53/

Now I'd like to ask you some questions about the neighbourhood you live in. 1-4/ 5/ 6-7/

17a. How many of your best friends who live in your neighbourhood did you get to know since you or they moved into the neighbourhood? 8/

number _____ 9-10/

17b. Do you and any of your neighbours go to movies, picnics or other things like that together? Would you say...

READ

a) often 4
b) sometimes 3
c) rarely 2
d) never 1 11/

17c. Do you and your neighbours entertain one another?

READ

a) often 4

b) sometimes 3

c) rarely 2

d) never 1 12/

17d. Id you were holding a party for an out-of-town visitor, how many of your neighbours would you invite?

number _____ 13-14/

17e. How many of your neighbours have ever talked to you about their problems when they were worried or asked you for advice or help?

number _____ 15-16/

17f. How many of your neighbours' homes have you ever been in?

number _____ 17-18/

17g. Do you and your neighbours exchange or borrow things from one another such as books, magazines, dishes, tools, recipes, preserves, or garden vegetables? Would you say...

READ

a) often 4

b) sometimes 3

c) rarely 2

d) never 1 19/

17h. About how many people in your neighbourhood would you recognize by sight if you saw them in a large crowd? Would you say...

READ

a) about half or more 3

b) a few 2

c) none 1 20/

17i. With how many of your neighbours do you have a friendly talk fairly frequently?

number _____ 21-22/

9j. ...ow many of the names of the families in your neighbourhood do you know?

number _____ 23-24/

9k. How often do you talk with any of your neighbours. Would you say...

READ

a) often 4
b) sometimes 3
c) rarely 2
d) never 1 25/

10. Now I'm going to read some statements to you. After I read each statement please indicate whether you strongly agree, mildly agree, mildly disagree or strongly disagree.

	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree	
a. Basically, the world is a just place.	1	2	3	4	26/
b. The political candidate who sticks up for his principles rarely gets elected.	1	2	3	4	27/
c. I've found that a person rarely deserves the reputation he has.	1	2	3	4	28/
d. People who find money in the street have often done a good deed earlier that day.	1	2	3	4	29/
e. It is a common occurrence for a guilty person to get off free in Canadian Courts.	1	2	3	4	30/
f. Movies in which good triumphs over evil are unrealistic.	1	2	3	4	31/
g. Students almost always deserve the grades they receive in school.	1	2	3	4	32/
h. Crime doesn't pay.	1	2	3	4	33/
i. When parents punish their children, it is almost always for good reasons.	1	2	3	4	34/

	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree	
10j. Although there may be some exceptions, good people often lead lives of suffering.	1	2	3	4	35/
k. It is often impossible for a person to receive a fair trial in Canada.	1	2	3	4	36/
l. In almost any business or profession, people who do their job well rise to the top.	1	2	3	4	37/
m. Although evil men may hold political power for a while, in the general course of history good wins out.	1	2	3	4	38/
n. By and large, people deserve what they get.	1	2	3	4	39/
o. Canadian parents tend to overlook the things most to be admired in their children.	1	2	3	4	40/
p. It is rare for an innocent man to be wrongly sent to jail.	1	2	3	4	41/

We might contact you again in about a year or so to see if the agreement is still being kept and to learn whether you've had any other problems. Would you please give us the name, address, and phone number of a friend or relative who can be contacted in case you move?

_____

_____

_____

_____

Thank you. This ends the interview, have a nice day. Please contact us if you have any questions or if you have any problem where you think mediation might help. Our number is 423-9384.

FOR INTERVIEWER:

Were there any problems with this interview.

_____

_____

use back of sheet if required.

Appendix B.4

Non Mediation I

CONFIDENTIAL

ID No. 1-4/
Disputant Type 5/
Card No. 6-7/01
Instrument No. 8/

Community Mediation Network Service

First Follow-up Interview Schedule Of Disputants Who Do Not Employ Mediation

Time Duration of Interview (minutes) 9-10/

11-16/ 999999

Date of Interview (day,month,year) 17-22/

Hello , I'm _____ of the Community Mediation Network. About a month ago, we were in contact with you about a problem you were having. Because we would like to see ifwe can still be of assistance, and because we would like to improve our service, we would like to ask you a few questions about what has happened since we first talked with you. Naturally, I'd like to mention that whatever you tell us will be kept in the strictest confidence. OK?

(STATE ONLY IF ASKED)
(Your name is not on the questionnaire. The CMNS operates in cooperation with the Institute of Public Affairs. Since 1936 the Institute has been conducting research. It cannot afford to have confidentiality violated.)

1. First, how did you find out about the Community Mediation Network? SPECIFY _____

CODE

Police 1
Human Rights 2
Help Line 3 31/
Other Social Services 4 32/9
Lawyer 5
Media 6
Word of Mouth 7
From the Mediation Service Itself 8

SKIP TO PAGE FOR COL. 33

2. Had you ever heard of the Community Mediation Network before that? 1-4/ 5/ 6-7/04 8/

YES 1
NO 2 9/

3. What happened when people from the Mediation Network talked to you? What did you decide to do?

Use mediation. . . *Go to 3a* 1
Problem already taken care of . *Go to 5* . 2
Talk to other person about problem . . . . . *Go to 3d* 3
Ignore other person . . *Go to 5* 4 10-11/
Move (or quit work) . . *Go to 5* 5
Go to Lawyer . . . *Go to 4* 6
Go to Court . . . *Go to 4* 7
Go to Police . . . *Go to 4* 8
Other SPECIFY _____ 9

Go to 3a

3a. What happened that there was no mediation meeting?

Other person refused . . *Go to 3b* 1
Unable to contact other person . *Go to 5*. . 2
Changed my mind . . . *Go to 3c* 3 12/
Other SPECIFY _____ 4

3b. What did you do next (If Lawyer, Court or Police Go to 4; Otherwise 5.)

_____

3c. Why did you change your mind? (If Lawyer, Court or Police Go to 4; Otherwise 5.)

_____ 13/

_____

3d. What happened when you talked to the other person?

_____ 14-15/

_____

3e. Was an agreement reached?

YES 1 16/
NO 2

3f. What was the agreement?

_____ 17-18/

_____

_____

_____

3g. Did your contact with the Community Mediation Network have any effect on what happened?

YES 1 19/

NO 2

3h. To what extent was your contact with the Community Mediation Network helpful? Was it:

READ

Very helpful 5 20/

Somewhat helpful 4

Neither helpful nor harmful 3

Somewhat harmful 2

Very harmful 1

3i. Aside from the dispute, was your contact with the Community Mediation Network useful for you in any other way?

YES 1 21/

NO 2

3j. How was it useful?

_____ 22-23/

_____

_____

SKIP TO Q. 5

4. What happened after you went to (lawyer, the police, court)?

_____ 24-29/

_____

_____

_____

_____

END OF CARD 04

RESUME CARD 01

I understand you have a problem with (USE OTHER DISPUTANT'S NAME FOUND ON INTAKE FORM). Is that right?

5. Did this problem

READ

Occur only once 1 33/
Occur occasionally 2
Occur frequently 3

6. Is this problem still going on now? 34/

Yes 1
No 2

35/9

7. Now I'd like to ask you about the problem before your initial contact with the Community Mediation Network. For how long did you have a problem with the other person?

_____ number of 36-37/

Days 1
Weeks 2 38/
Months 3
Years 4

8a. Would you say the problem was primarily caused by:

READ

You . . . *(Go to 8b)* 1 39/
The other person . *(Go to 8c)* 2

8b. Would you say . . .

READ

You acted the way you did because of the situation you were in 1 40/
Go to 9

8c. Would you say that the other person . . .

READ

Acted the way s/he did because of the situation s/he was in 1 41/

Acted the way s/he did because that is what s/he wanted to do 2

9. I would now like to know a bit more about what you think caused your problem with (USE OTHER DISPUTANT'S NAME). I'm going to ask you some questions, please indicate whether you agree strongly or mildly, or disagree strongly or mildly.

READ	Agree Strongly	Agree Mildly	Neutral (DON'T SAY BUT CODE)	Disagree Mildly	Disagree Strongly	
You were having a problem with (USE OTHER DISPUTANT'S NAME). Is that because the situation you were in forced you to act that way?	5	4	3	2	1	42/
Is it because of what <u>you</u> did intentionally and deliberately?	5	4	3	2	1	43/
Is it because of what (USE OTHER DISPUTANT'S NAME) did intentionally and deliberately?	5	4	3	2	1	44/
Is it because of what (USE OTHER DISPUTANT'S NAME) did but the situation s/he was in forced him/her to act that way?	5	4	3	2	1	45/

10a. Now, do you still have any contact with the person(s) you had the problem with?

Yes . . . *Go to 10c*	1	46/
No	2	

10b. Why don't you have any contact?

I avoid him/her	1	
S/he avoids me	2	47/
See each other but ignore	3	
I moved	4	
S/he moved	5	
Other *SPECIFY* _____	6	

Go to 11

10c. On the average, about how often do you see or talk to this person/people?

Would you say:
READ

At least 5 days/week	20	
At least 3 days/week	12	48-49/
At least 1 day/week.	04	
At least twice/month	02	
At least once/month.	01	

10d. Would you say that your contact with this person/s is:

READ

Always uncomfortable	1	
Usually uncomfortable	2	50/
Usually comfortable	3	
Always comfortable	4	

10e. How would you describe your relationship with (USE OTHER DISPUTANT'S NAME) compared with the days immediately before your contact with out Service about a month ago. Would you say your relationship is:

READ

Much worse now 1
Somewhat worse now 2 51/
About the same now 3
Somewhat better now 4
Much better now 5

11. Does anyone else in your family continue to have problems with (USE OTHER DISPUTANT'S NAME)?

Yes 1 52/
No 2

12a. Would you say that the situation today is better or worse than before your contact with the CMN?

READ

Much worse now 1
Somewhat worse 2 53/
About the same . . . . *Go to 12c* . . 3
Somewhat better now 4
Much better 5

12b. In your opinion, what has made it better/worse?

Space 1
Time 2 54/
We didn't keep the agreement 3
We kept the agreement 4
Other *(SPECIFY)* _____ 5

SKIP TO 13

12c. Why has this situation not changed?

Space 1
Time 2 55/
We didn't keep the agreement 3
We kept the agreement 4
Other *(SPECIFY)* _____ 5

1-4/

5/
6-7/02
8/

FOR COMPLAINANTS ONLY

13. Now, I believe you found out about the mediation service through _____(fill in referral agent) (Verify) 8/

13a. Did you ever get back in touch with _____ about this particular problem? 9-14/999999

Yes 1 15/
No . Go to 13c 2

13b. If "Yes", How often? _____ times. 16-17/

13c. Have you talked to (fill in name of agency) _____ about any other problem since the mediation meeting?

Yes 1 18/
No . Go to 14. 2

13d. If "Yes", How often? _____ times. 19-20/

13e. What type of problem was it? (RECORD TYPE OF PROBLEM.

_____

_____ 21-22/

_____

FOR ALL DISPUTANTS

14. Now I have a few more general questions to ask you. With many of these items there are no right or wrong answers. Please select the answer which is closest to how you feel about it. These questions help us to understand how our service can best help you and others in the future.

14 continued - Please indicate the extent to which you agree or disagree with the following statements.

	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree	
There's little use writing to public officials because they often aren't really interested in the problems of the average person.	4	3	2	1	23/
Nowadays a person has to live pretty much for today and let tomorrow take care of itself.	4	3	2	1	24/
It's hardly fair to bring children into the world with the way things look for the future.	4	3	2	1	25/
These days a person doesn't really know whom s/he can count on.	4	3	2	1	26/

15. Now I'm going to read two statements to you. Please tell me which statement you believe more.

15a. Generally speaking, would you say that most people can be trusted or that you can't be too careful in dealing with people.

Most can be trusted 1 27/

Can't be too careful 0

15b. Would you say that most of the time, people try to be helpful, or that they are mostly just looking out for themselves?

Try to be helpful 1 28/

Look out for themselves 0

15c. Do you think that most people would try to take advantage of you if they got the chance or would they try to be fair?

Take advantage 0 29/

Try to be fair 1

16. I am now going to read some more pairs of statements to you. Each pair relates to your own life in a general way. Please tell me which statement you believe more.

16a. Would you say...

What happens to you is your own doing. or

Sometimes you feel that you don't have enough control over the direction your life is taking.

Your own doing 0 30/

Not enough control 1

16b. Would you say...

When you make plans, you are almost certain that you can make them work. or

It is not always wise for you to plan too far ahead because many things turn out to be a matter of good or bad fortune anyhow.

Can make them work 0 31/

Good or bad fortune 1

16c. Now, have...

You often found that what is going to happen will happen. or

Trusting to fate has never turned out as well for you as making a definite decision.

Going to happen will happen 1 32/

Trusting fate never as well as 0

16d. Would you say...

Many times you might just as well decide what to to do by flipping a coin. or

In your case, getting what you want has little or nothing to do with luck.

Flipping a coin 1 33/

Nothing to do with luck 0

Now I'm going to ask you a few background questions.

17. From where do you live in this part of Nova Scotia? That is, is it...

READ

Halifax	1	34/
Dartmouth	2	
Lower Sackville	3	
Bedford	4	
Halifax Co., (Specify)_____	5	
Elsewhere (Specify)_____	6	

18. In what year were you born? _____ 35-38/

19. What is your current marital status. That is are you..

START READING

Married	1	39/
Living common law	2	
Single	3	
Separated	4	
Divorced	5	
Widowed	6	

20a. Do you have any children?

Yes . . . *Go to 20b*	1	40/
No . . . *Go to 21*.	2	

20b. How many children do you have? _____ 41-42/

21. What is the last grade you completed in school?

If high school or less
RECORD GRADE _____ 43-44/

If post high school
RECORD YEAR _____

Vocational Training _____

University _____

22a. Are you currently working for pay?

YES 1 45/
NO . . Go to 23a 2

IF YES...

22b. Where do you work?

_____ 46-48/

22c. What kind of work do you do? (RECORD SPECIFIC INFORMATION)

_____ 49-52/

_____ 53-55/

SKIP TO 24

23a. Did you ever work for pay?

YES 1 56/
NO . . . . . Go to 24a 2

23b. What was the last full-time job you had of six months or more in duration?

_____ 56-60/

_____ 61-63/

23c. When did you stop doing this work? _____month 64-65/

_____year 66-67/

IF NOT MARRIED, SKIP TO QUESTION 25.

1-4/
5/
6-7/03
8/

24a. Does your husband/wife work for pay?

YES 1
NO 2

9/

24b. What kind of work does s/he do?

_____ 10-13/

_____ 14-16/

25. How much money did you as an individual earn from all sources, employment and otherwise, in 1982?

$ _____ respondent 17-21/

26. How much money did your family, including yourself, earn from all sources, employment and otherwise, in 1982?

$ _____ family 22-26/

We would like to contact you again perhaps as much as a year from now to see if anything further has happened and to learn whether you've had any other problems. Would you please give us the name, address, and phone number of a friend or relative who can be contacted in case you move?

_____

_____

_____

_____

Thank you. This ends the interview, have a nice day. Please contact us if you have any questions or if you have any problem where you think mediation might help. Our number is 423-9384.

FOR INTERVIEWER:

Were there any problems with this interview?

_____

_____

_____

_____

_____

_____

Appendix B.5

CONFIDENTIAL NON MEDIATION II

ID No. 1-4/
Disputant Type 5/
Card No 6-7/01
Instrument No 8/

Community Mediation Network
Service

Second Follow-up Interview
Schedule
of
Disputants Who Do Not
Employ Mediation

Time
Duration
of Interview 9-10/
(minutes)

11-16/999999

Date of Interview 17-22/

He. . I'm _____ of the Community Mediation Network. About seven months ago we were in contact with you about a problem you were having with (USE OTHER DISPUTANT'S NAME). Since we would like to be of assistance and since we would like to improve our service for others, we would like to ask you a few questions about what has happened since I first talked to you and since I interviewed you last. Naturally I'd like to mention that whatever you tell us will be kept in the strictest confidence. OK?

1. Do you still have this problem with (USE OTHERS DISPUTANT'S NAME)?

Yes 1

No 2 23/

2. What has happened in the last few months to this problem?

PROBE IF INFORMATION NOT VOLUNTEERED

contact with police? Yes No		24/
charges laid? Yes No		25/
charges dropped? Yes No		26/
go to court? Yes No		27/
how long were you in court ____ hrs.		28-30/
how long did the court spend on your case? ____ min.		31-33/
did you skip work? Yes No		34/
did you lose pay? Yes No		35/
did you have a backload of work? Yes No		36/
did you see a lawyer? Yes No		37/
how much time did you spend with him/her? ____ hrs.		38-39/
was there a bill? Yes No		40/
how much was it? $ _____		41-44/
other _____		45-50/
_____		
_____		
_____		

3. ASK ONLY IF CHARGES LAID

How satisfied are you with what happened once charges were laid? Would you say...

READ

a) very satisfied
b) somewhat satisfied
c) neither satisfied nor dissatisfied
d) somewhat dissatisfied
e) very dissatisfied

51/

4a. What did you like most about your experience with the police?

_____

_____ 52-53/

4b. What did you dislike most about your experience with police?

_____

_____ 54-55/

4c. What did you like most about your experience with court?

_____

_____ 56-57/

4d. What did you dislike most about your experience with court?

_____

_____ 58-59/

5. Looking back on this whole experience, even to when the problem started, what would you have done differently?

PROBE IF NECESSARY

talked to the other disputant sooner	Yes No	62/
contacted the police sooner	Yes No	61/
contacted the CMN sooner if I knew about it	Yes No	62/
contacted a lawyer sooner	Yes No	63/
pressed charges sooner	Yes No	64/
not pressed charges	Yes No	65/

other _____

_____

_____ 66-69/

1-4/
5/
6-7/02
8/

6a. Now, do you still have any contact with the person(s) you had the problem with?

Yes . . . . . *Go to 6c* 1
No 2 9/

6b. Why don't you have any contact?

I avoid him/her 1
S/he avoids me 2
See each other but ignore 3
I moved 4
S/he moved 5
Other *(SPECIFY)* _____ 6 10/

Go to 7.

6c. On the average, about how often do you see or talk to this person/people? Would you say...

READ

At least 5 days/week 20
At least 3 days/week 12
At least 1 day/week 04
At least twice/month 02
At least once/month 01 11-12/

6d. Would you say that your contact with this person/s is:

READ

Always uncomfortable 1
Usually unfomfortable 2
Neither (DON'T READ BUT CODE) 3
Usually comfortable 4
Always comfortable 5 13/

6e. How would you describe your relationship with (USE OTHER DISPUTANT'S NAME) compared with the days immediately before your contact with our Service about seven months ago. Would you say your relationship is:

READ

Much worse now 1
Somewhat worse now 2
About the same now 3
Somewhat better now 4
Much better now 5 14/

7. Does anyone else in your family continue to have problems with (USE OTHER DISPUTANT'S NAME)?

Yes 1
No 2 15/

8a. Would you say that the situation today is better or worse than before your contact with the Community Mediation Network?

READ

Much worse now . . . . *Go to 8b* 1
Somewhat worse . . . . *Go to 8b* 2
About the same . . . . *Go to 9a* 3
Somewhat better now . . . *Go to 8b* 4
Much better . . . . . *Go to 8b* 5 16/

8b. In your opinion, what has made it better/worse?

Space 1
Time 2
We didn't keep the agreement 3
We kept the agreement 4
Other *(SPECIFY)* _____ 5 17/

Now I'd like to ask you some questions about the neighbourhood you live in. 1-4/
5/

9a. How many of your best friends who live in your neighbourhood did you get to know since you or they moved into the neighbourhood? 6-7/03
8/

number _____ 9-10/

9b. Do you and any of your neighbours go to movies, picnics or other things like that together? Would you say...

READ
a) often 4
b) sometimes 3
c) rarely 2
d) never 1 11/

9c. Do you and your neighbours entertain one another?

READ
a) often 4
b) sometimes 3
c) rarely 2
d) never 1 12/

9d. If you were holding a party for an out-of-town visitor, how many of your neighbours would you invite?

number _____ 13-14/

9e. How many of your neighbours have ever talked to you about their problems when they were worried or asked you for advice or help?

number _____ 15-16/

9f. How many of your neighbours' homes have you ever been in?

number _____ 17-18/

9g. Do you and your neighbours exchange or borrow things from one another such as books, magazines, dishes, tools, recipes, preserves, or garden vegetables? Would you say...

READ

a) often 4
b) sometimes 3
c) rarely 2
d) never 1 19/

9h. About how many people in your neighbourhood would you recognize by sight if you saw them in a large crowd? Would you say...

READ

a) about half or more 3
b) a few 2
c) none 1 20/

9i. With how many of your neighbours do you have a friendly talk fairly frequently?

number _____ 21-22/

9j. How many of the names of the families in your neighbourhood do you know?

number _____ 23-24/

9k. How often do you talk with any of your neighbours? Would you say...

READ

a) often 4
b) sometimes 3
c) rarely 2
d) never 1 25/

10. Now I'm going to read some statements to you. After I read each statement please indicate whether you strongly agree, mildly agree, mildly disagree or strongly disagree.

	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree	
a. Basically, the world is a just place.	1	2	3	4	26/
b. The political candidate who sticks up for his principles rarely gets elected.	1	2	3	4	27/
c. I've found that a person rarely deserves the reputation he has.	1	2	3	4	28/
d. People who find money in the street have often done a good deed earlier that day.	1	2	3	4	29/
e. It is a common occurrence for a guilty person to get off free in Canadian courts.	1	2	3	4	30/
f. Movies in which good triumphs over evil are unrealistic.	1	2	3	4	31/
g. Students almost always deserve the grades they receive in school.	1	2	3	4	32/
h. Crime doesn't pay.	1	2	3	4	33/
i. When parents punish their children, it is almost always for good reasons.	1	2	3	4	34/
j. Although there may be some exceptions, good people often lead lives of suffering.	1	2	3	4	35/
k. It is often impossible for a person to receive a fair trial in Canada.	1	2	3	4	36/
l. In almost any business or profession, people who do their job well rise to the top.	1	2	3	4	37/
m. Although evil men may hold political power for a while, in the general course of history good wins out.	1	2	3	4	38/

	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree	
10n. By and large, people deserve what they get.	1	2	3	4	39/
o. Canadian parents tend to overlook the things most to be admired in their children.	1	2	3	4	40/
p. It is rare for an innocent man to be wrongly sent to jail.	1	2	3	4	41/

We might contact you again in about a year or so to see if the agreement is still being kept and to learn whether you've had any other problems. Would you please give us the name, address, and phone number of a friend or relative who can be contacted in case you move?

_____

_____

_____

_____

Thank you. This ends the interview, have a nice day. Please contact us if you have any questions or if you have any problem where you think mediation might help. Our number is 423-9384.

FOR INTERVIEWER:

Were there any problems with this interview?

_____

_____

_____

_____

Appendix C.0

NEIGHBOURHOOD DISPUTE QUESTIONNAIRE FOR POLICE PERSONNEL

The Institute of Public Affairs, Dalhousie University is presently studying the Community Mediation Network.

The primary purpose of this questionnaire is for us to learn what you think about neighbourhood disputes in general and the Community Mediation Network in particular. In this manner we can make improvements in the Community Mediation Network so as to better serve the constables and police departments in this area.

Most of the questions which follow ask for your opinions. There is no right or wrong answer. This is not a test. Answering this questionnaire will take about ten minutes.

The answers you provide are strictly confidential. The information you give us will be grouped with other policemen and only studied as a group. Do not place your name on this questionnaire. The Institute of Public Affairs has been collecting survey data for almost 50 years, maintaining a reputation by protecting the confidentiality of those who answer its surveys.

First, a couple of background questions.

1. How many years have you been a constable?
(Fill in the number of years in the blank.)

_____ years

2. How many years have you been in this police department?

_____ years

Now, we would like some general reactions to disputes and agencies which deal with disputes. Below are several statements about disputes and other agencies or persons dealing with disputes. Please indicate to what extent you agree or disagree with the following statements by circling the appropriate phrase at the right of each statement.

(Circle the appropriate phrase)

3a. Often with two neighbours who are battling constantly it is better to bring them together and spend some time getting agreement on the issue rather than simply cool down the situation for the evening and leave.	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree
b. The best way to get a handle on the situation is to separate the people and let the more talkative one tell you what happened.	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree
c. Often the best thing an officer can do for people is just to cool them down and give them a little advice on how to handle their problem.	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree
d. Usually in neighbourhood fights you can figure out who's to blame soon after you arrive.	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree

(Circle the appropriate phrase)

3e. Mental health experts, psychologists and behavioural scientists can generally teach police officers things that will be useful to them in their day to day police activities.	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree
f. It takes more than just a little common sense to deal successfully with a neighbourhood dispute.	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree
g. If most police had a choice they would just as soon not have to bother with neighbourhood squabbles or disputes between friends.	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree
h. There's little point in trying to make referrals to social agencies because they're never open when you really need them.	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree
i. People who get involved in neighbourhood disputes are much the same as most of us.	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree
j. Referring a neighbourhood squabble to mediation (Community Mediation Network) is a useful approach.	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree
k. Whether I have made a referral to the Community Mediation Network or not, I think it is a useful service for Halifax/Dartmouth.	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree

Now please answer some more questions relevant to the Community Mediation Network.

4a. Have you made a referral(s) to the Community Mediation Network?
(Circle Yes or No)

Yes *ANSWER QUESITON 4b. AND CONTINUE*

No *SKIP TO QUESTION 5 AND CONTINUE*

4b. How many times have you made such a referral?

_____ times

5. Do you expect to make referrals to the Community Mediation Network over the next few months? *(Circle Yes or No)*

Yes

No

6a. Have you ever mentioned the Community Mediation Network to disputing neighbours when it seemed appropriate to you to do so?
(Circle Yes or No)

Yes

No *SKIP TO QUESTION 7 AND CONTINUE*

6b. How difficult was it to explain the service?
(Circle the appropriate letter beside the appropriate answer)

a. very difficult

b. somewhat difficult

c. neither difficult nor easy

d. somewhat easy

e. very easy

6c. What was the reaction of the complainant to your explanation?
(Circle the appropriate letter)

a. the complainant accepted it

b. the complainant was lukewarm to the idea

c. the complainant rejected it

d. not mentioned to the complainant

6d. What was the reaction of the respondent to your explanation?
(Circle the appropriate letter)

a. the respondent accepted it

b. the respondent was lukewarm to the idea

c. the respondent rejected it

d. not mentioned to the respondent

6e. Did the explanation of the Community Mediation Network significantly lengthen your call? *(Cirle Yes or No)*

Yes

No *SKIP TO 6g.*

6f. Please estimate how much longer the average call would be.

_____ minutes

6g. Think of when neighbours seem angry but no charge should be laid, how helpful has describing mediation as a means to "cool down" either or both neighbours? *(Circle the appropriate letter)*

a. very helpful

b. moderately helpful

c. neither helpful nor harmful

d. moderately harmful

e. very harmful

6h. Once the problem was referred to mediation were you told what happened?
(Circle Yes or No)

Yes

No

6i. Have you had to return to a dispute after it was referred to the Community Mediation Network?

Yes

No

7. All in all, how satisfied have you been with the Community Mediation Network?
(Circle the appropriate letter)

a. very satisfied

b. somewhat satisfied

c. neither satisfied nor dissatisfied

d. somewhat dissatisfied

e. very dissatisfied

Below are some brief descriptions of some kinds of disputes which you may have had to deal with in your career. Most of them are disputes between neighbours. Some situations seem similar except for a few specific differences.

8. Please read each of the following situations and indicate whether you think the dispute should be referred to the Community Mediation Network.

	(Circle the appropriate phrase)			
a. Two persons have just come to blows (no more than a few punches and a few bruises). They have never fought before and neither thinks that charges should be laid.	Should be Referred	Might be Referred	Not Worth Referring	Should Not be Referred
b. Two persons have just come to blows (no more than a few punches and a few bruises). They have never fought before but the "loser" wants to press charges.	Should be Referred	Might be Referred	Not Worth Referring	Should Not be Referred

(Circle the appropriate phrase)

8c. Two persons have just come to blows (no more than a few punches and a few bruises). They claim to have fought before but neither thinks that charges should be laid.	Should be Referred	Might be Referred	Not Worth Referring	Should Not be Referred
d. Two persons have come to blows (no more than a few punches and a few bruises). They claim to have fought before and the "loser" wants to press charges.	Should be Referred	Might be Referred	Not Worth Referring	Should Not be Referred
e. One neighbour is complaining about another neighbour's hi-fi system. It wakes him up at 3:00 a.m. The other neighbour apologizes to you and turns the hi-fi down.	Should be Referred	Might be Referred	Not Worth Referring	Should Not be Referred
f. One neighbour is complaining about another neighbour's hi-fi system. It wakes him up at 3:00 a.m. He complains that this is the second time this weekend he has been awakened.	Should be Referred	Might be Referred	Not Worth Referring	Should Not be Referred

(Circle the appropriate phrase)

8g. Two persons are yelling and swearing at each other when you arrive. There has been no fight (another neighbour had called). This is the second time you've seen them yell at each other in this last month.

Should be Referred | Might be Referred | Not Worth Referring | Should Not be Referred

h. A husband and wife are yelling and swearing at each other when you arrive. They say there has been no violence (another neighbour had called).

Should be Referred | Might be Referred | Not Worth Referring | Should Not be Referred

i. A husband and wife are yelling and swearing at each other when you arrive. They say there has been no violence. (another neighbour had called). This is the second time in this last month.

Should be Referred | Might be Referred | Not Worth Referring | Should Not be Referred

j. Neighbours are arguing about a boundary fence accidently damaged by the respondent. The complainart does not want to press charges.

Should be Referred | Might be Referred | Not Worth Referring | Should Not be Referred

k. Neighbours are arguing about a boundary fence accidently damaged by the respondent. The complainant wants the matter taken to court.

Should be Referred | Might be Referred | Not Worth Referring | Should Not be Referred

(Circle the appropriate phrase)

l. Neighbours are arguing about a boundary fence deliberately damaged by one neighbour. The other neighbour doesn't want to press charges.	Should be Referred	Might be Referred	Not Worth Referring	Should Not be Referred
m. Neighbours are arguing about a boundary fence deliberately damaged by one neighbour. They other neighbour wants this matter taken to court.	Should be Referred	Might be Referred	Not Worth Referring	Should Not be Referred
n. Neighbours are arguing about a boundary fence deliberately damaged by one neighbour. The other neighbour doesn't want to press charges. Previously, police had been called about a noise problem between these neighbours about a month ago.	Should be Referred	Might be Referred	Not Worth Referring	Should Not be Referred
o. Neighbours are arguing about a boundary fence deliberately damaged by one neighbour. The other wants this matter taken to court. Previously police had been called about a noise problem between these neighbours about a month ago.	Should be Referred	Might be Referred	Not Worth Referring	Should Not be Referred
p. Two persons are yelling and swearing at each other when you arrive. There has been no fight (another neighbour had called).	Should be Referred	Might be Referred	Not Worth Referring	Should Not be Referred

Now please give us some additional background information.

9. How many policemen do you supervise either directly or indirectly?

_____ policemen

10a. Have you ever been a policeman in some other department?

Yes

No

b. For how many years _____

11. What is your age?

_____ years

12. What is the highest grade you attained in highschool?

_____ grade

13. Have you attained any post highschool education?
(Circle the appropriate letter and indicate the number of years if applicable)

a. Yes, university _____ years

b. Yes, vocational school _____ years

c. No

14a. Have you attended any specific police training programs?
(Circle the appropriate word)

Yes

No

b. What training programs have you attended? *(List the programs below)*

_____

_____

_____

15. If you are in a particular platoon, what part of the city do you patrol?
(Circle the appropriate letter)

a. Sector 1

b. Sector 2

c. Sector 3

d. Sector 4

e. Sector 5

f. Sector 6

g. Sector 7

16. How long have you been working in this sector?

_____ months

Thank yoy very much for your time and effort. Your answers will help the Community Mediation Network to improve its services to you and the public.

Appendix D.0

The Community Dispute Reaction Survey is designed to be administered at least three years after the beginning of a mediation service. The reason for this is because respondents have virtually no awareness of such a service at the present time. Consequently, in order to pilot the telephone survey, several modifications were necessary. First, the questions on page two were not asked. Second, modifications in the introduction to mediation were changed from a description of a specific service to a general description of any community oriented mediation service. Piloting revealed that respondents were able to understand the description of a mediation presented to them and were able to make discriminations as to the utility of a mediation service depending upon the nature of the dispute as presented in question six.

Modifications to the introduction to mediation found at the top of page three, prior to question five are as follows:

If you were not able to work it out with your neighbour, you could bring the problem to a mediation centre. The centre could contact your neighbour and then both of you would sit down with a neutral third person, the mediator. The mediator would help both of you to reach an agreement that would be fair. The meeting is typically about two hours long. The agreements are usually in writing and both you and your neighbour would get a copy. In a month the mediation centre would call you to see how the agreement is working.

CONFIDENTIAL

ID no 1-4/

card no 5-6/

sex of respondent 7/

neighbourhood of respondent 8-9/

Institute of Public Affairs
Dalhousie University

Community Dispute Reaction Survey

time for interview 10-11/

date of interview (day, month, year) 12-17/

My name is _____. I am with the Institute of Public Affairs at Dalhousie University. We are conducting a survey of the Halifax Dartmouth Area to find out what people think about various kinds of minor disputes people have. Disputes that arise between neighbours over loud noise at night, or disputes which arise from sharing driveways or disagreements over property boundaries. We are interested in your reaction to these kinds of problems and what means might be used to deal with them.

You have been selected as part of a scientifically drawn sample of persons in the general Halifax Dartmouth area. Your answers will help us understand how these disputes can be resolved more easily and more effectively. The information you personally give us will, of course, be kept in strict confidence. OK?

Now I'd like to ask you a few basic questions. First of all:

1. Do you own or rent your home?

a) own 1 18/

b) rent 2

2. Do you live in a...

a) detached house 1

b) semi-detached house i.e. a double or duplex . . . 2

c) a townhouse 3 19/

d) an apartment building 4

e) room of a house or building 5

Now I'm going to present you with an imaginary problem.

3a. Suppose you had a disagreement with the person next door. Perhaps he has played music too loud too late at night on several occasions waking you up. What would you do?

DON'T READ BUT CODE

a) ask the neighbour to lower the noise

b) call the police

c) call your lawyer

d) call the CMNS

e) do nothing

f) other _____ 20-21/

3b. Have you also considered... (*ASK ALL EXCEPT ITEM MENTIONED in 1a)*

calling the police	Yes	22/
	No	
calling your lawyer?	Yes	23/
	No	
calling the CMN	Yes	24/
	No -- record "never heard of it" is response.	25/
doing nothing?	Yes	26/
	No	
asking the neighbour to lower the noise	Yes	27/
	No	

4. Could you briefly tell me anything you know about the Community Mediation Network?

_____

_____ 28/

_____

_____

_____

Let me tell you something about the Community Mediation Network.

The Community Mediation Network operates from Dalhousie University. If a person has a dispute with another person that person can call the Community Mediation Network. The Community Mediation Network contacts both parties in the dispute and only uses mediation if both parties are agreeable to it. Typically two volunteer mediators are assigned to each case. The mediators and both parties in the dispute meet for about 2 hours. Usually the parties in the dispute come to a written agreement which may help to resolve the problem they have had.

5. Do you see this kind of activity, the Community Mediation Network, as a helpful activity for your community? Would you say this sort of project is:

READ
a) very helpful
b) somewhat helpful
c) of no effect
d) somewhat harmful
e) very harmful 29/

Now I would like to present a few situations to you. Please indicate how useful you think the mediation and the Community Mediation Network might be in dealing with these situations in comparison with other services.

	very helpful	somewhat helpful	another service does a better job	
6a. Two neighbours are arguing about how to use a shared driveway.	1	2	3	30/
which service is that? _____				31/
b. One neighbour is complaining about the loud music the other plays at night.	1	2	3	32/
which service is that? _____				33/

		very helpful	somewhat helpful	another service does a better job	
6c.	One neighbour's child broke another neighbour's window. The other neighbour wants compensation for the repairs.	1	2	3	34/
	which service is that? _____				35/
d.	A 13-year old child steals a neighbour's bicycle and damages it.	1	2	3	36/
	which service is that? _____				37/
e.	A 13-year old child is caught shoplifting in the local department store.	1	2	3	38/
	which service is that? _____				39/
f.	A husband and wife are yelling at each other. A neighbour is disturbed and calls the police.	1	2	3	40/
	which service is that? _____				41/
g.	A consumer is complaining about the quality of a service obtained from a local company.	1	2	3	42/
	which service is that? _____				43/
h.	A husband and wife are hitting each other in an argument. The wife goes on a trip to the emergency ward of the local general hospital?	1	2	3	44/
	which service is that? _____				45/

	very helpful	somewhat helpful	another service does a better job	
6i. Two neighbours come to blows and one charges the other with assault.	1	2	3	46/

which service is that? _____ 47/

j. A husband and wife without children decide on a divorce. Now they have to figure out how to divide their property.	1	2	3	48/

which service is that? _____ 49/

7. Based on evidence from elsewhere in Canada and the United States, running a mediation service costs about $100,000 a year. Who do you think should pay for these services? Would you say...

a) the government

b) those who use the service at a cost of about $150. for each person in the dispute. 50/

c) private sources like foundations

d) charities like the United Way

e) other (*specify*) _____

8. If the government were to pay for a mediation, which level of government should pay the most? Would you say...

a) the city or town where the service is located

b) the province 51/

c) the federal government

Now I'd like to ask you some questions about the neighbourhood you live in.

9a. How may of your best friends who live in your neighbourhood did you get to know since you or they moved into the neighbourhood?

number _____ 52-53/

b. Do you and any of your neighbours go to movies, picnics or other things like that together? Would you say...

READ

often 4

sometimes 3 54/

rarely 2

never 1

c. Do you and your neighbours entertain one another?

often 4

sometimes 3

rarely 2

never 1

d. If you were holding a party for an out-of-town visitor, how many of your neighbours would you invite?

number _____ 56-57/

e. How many of your neighbours have ever talked to you about their problems when they were worried or asked you for advice or help?

number _____ 58/

f. How many of your neighbours' homes have you ever been in?

number _____ 59/

9g. Do you and your neighbours exchange or borrow things from one another such as books, magazines, dishes, tools, recipes, preserves, or garden vegetables? Would you say...

READ

often 4

sometimes 3 60/

rarely 2

never 1

h. With how many of your neighbours do you have a friendly talk fairly frequently?

number _____ 61-62/

i. How many of the names of the families in your neighbourhood do you know?

number _____ 63-64/

j. How often do you talk with any of your neighbours. Would you say...

READ

often 4

sometimes 3 65/

rarely 2

never 1

1-4/
5-6/
7/
8-9/

10. Now I'm going to read some statements to you. After I read each statement please indicate whether you strongly agree, mildly agree, mildly disagree or strongly disagree.

		Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree	
a.	Basically, the world is a just place.	1	2	3	4	10/
b.	The political candidate who sticks up for his principles rarely gets elected.	1	2	3	4	11/
c.	I've found that a person rarely deserves the reputation he has.	1	2	3	4	12/
d.	People who find money in the street have often done a good deed earlier that day.	1	2	3	4	13/
e.	It is a common occurrence for a guilty person to get off free in Canadian courts.	1	2	3	4	14/
f.	Movies in which good triumphs over evil are unrealistic.	1	2	3	4	15/
g.	Students almost always deserve the grades they receive in school.	1	2	3	4	16/
h.	Crime doesn't pay.	1	2	3	4	17/
i.	When parents punish their children, it is almost always for good reasons.	1	2	3	4	18/
j.	Although there may be some exceptions, good people often lead lives of suffering.	1	2	3	4	19/
k.	It is often impossible for a person to receive a fair trial in Canada.	1	2	3	4	20/
l.	In almost any business or profession, people who do their job well rise to the top.	1	2	3	4	21/

		Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree	
10m.	Although evil men may hold political power for a while, in the general course of history good wins out.	1	2	3	4	22/
n.	By and large, people deserve what they get.	1	2	3	4	23/
o.	Canadian parents tend to overlook the things most to be admired in their children.	1	2	3	4	24/
p.	It is rare for an innocent man to be wrongly sent to jail.	1	2	3	4	25/

Now I have a few more general questions to ask you. The questions that follow help us to understand why mediation might be useful.

11. Please indicate the extent to which you agree or disagree with the following statements.

		Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree	
a.	There's little use writing to public officials because they often aren't really interested in the problems of the average man.	4	3	2	1	26/
b.	Nowadays a person has to live pretty much for today and let tomorrow take care of itself.	4	3	2	1	27/
c.	It's hardly fair to bring children into the world with the way things look for the future.	4	3	2	1	28/
d.	These days a person doesn't really know whom he can count on.	4	3	2	1	29/

12. Now I'm going to read two statements to you. Please tell me which statement you believe more.

a. Generally speaking, would you say that most people can be trusted, or that you can't be too careful in dealing with people.

Most can be trusted	1	30/
Can't be too careful	0	

b. Would you say that most of the time, people try to be helpful, or that they are mostly just looking out for themselves.

Try to be helpful	1	31/
Look out for themselves	0	

c. Do you think that most people would try to take advantage of you if they got the chance or would they try to be fair?

Take advantage	1	32/
Try to be fair	0	

Now I'm going to ask you a few background questions.

13. From where do you live in this part of Nova Scotia? That is, is it...

READ

Halifax	1	
Dartmouth	2	33/
Lower Sackville	3	
Bedford	4	
Halifax Co. *(specify)*_____	5	
Elsewhere *(specify)*_____	6	

14. In what year were you born? _____ 34-35/

15. What is your current marital status. That is are you...

START READING

Married 1
Living common law 2
Single 3 36/
Separated 4
Divorced 5
Widowed 6

16a. Do you have any children?

Yes . . . *Go to Q. 16b* . . . 1 37/
No . . . . *Go to Q. 17* . . . 2

b. How many children do you have? _____ 38-39/

17. What is the last grade you completed in school?

If high school or less record grade _____ 40-41/
If post high school record year _____
Vocational Training _____
University _____ 42/

18a. Are you currently working for pay?

Yes 1 43/
No . . . . . *Go to 19a* 2

IF YES...

18b. Where do you work?

_____ 44-46/

c. What kind of work do you do? (RECORD SPECIFIC INFO)

_____ 47-50/

_____ 51-53/

19a. Did you ever work for pay?

Yes 1 54/

No . . . . *Go to Q. 17* 2

b. What was the last full-time job you had of six months or more in duration?

_____ 55-58/

_____ 59-61/

c. When did you stop doing this work? _____ month 62-63/

_____ year 64-65/

1-4/

20a. IF NOT MARRIED, SKIP TO QUESTION 35 5-6/

Does your husband/wife work for pay? 7/

Yes 1 8-9/

No 2 10/

b. What kind of work does s/he do?

_____ 11-14/

_____ 15-17/

21. How much money did you as an individual earn from all sources, employment and otherwise, in 1982?

$ _____ respondent 18-22/

22. How much money did your family, including yourself, earn from all sources, employment and otherwise, in 1982?

$ _____ family 23-27/

Appendix E.0

Community Mediation
Network Service
Research Information Form

To improve our service and to learn more about mediation, we may observe and record information about the mediation process. You will also be contacted in approximately 1 (one) month so that we may ask you some questions about any agreement which might be reached today.

The information you give us will be kept in strictest confidence. If you decide not to participate in our research your decision will not affect your taking part in a mediation.

I read and understand the above.

Name (*please print*): _____

Signature: _____ Date: _____

Please address any future questions you have about the research to the mediators or to:

Dr. John Benoit
Community Mediation Network Service
1247 Seymour Street
Halifax, N.S.
424-2526, Ext. 272

ID No. 1-4
Card No. 5-6/
Med. Type 7/
Instrument No. 8/

Post Mediation Session Questionnaire

1. Your name _____ 9-11/

2. Was the information on the intake form helpful in preparing you for the mediation session? *(circle the letter to the left of the appropriate answer category)*

a. Yes, very helpful 3
b. Partly helpful 2
c. Not at all helpful 1

12/

3. At the beginning of the mediation session, what was the level of tension between the disputants, say as introductions were taking place? *(Circle the appropriate letter)*

a. Very tense 5
b. Somewhat tense 4
c. Hard to say 3
d. Somewhat relaxed 2
e. Very relaxed 1

13/

4. After the opening statements, how complex did the dispute seem to you?

a. Very complex 4
b. Somewhat complex 3
c. Somewhat simple 2
d. Very simple 1

14/

5. Did caucus follow the opening statements?

a. Yes . . *Go to Q.6* 1
b. No . . *Please skip to Q.10*. . . . 2

15/

6. Who was in caucus first?

a. Complainant 1
b. Respondent 2

16/

7. How many times was the complainant in caucus?

_____ no. of times 17/

8. How many times was the respondent in caucus?

_____ no. of times 18/

(SEE REVERSE SIDE)

9. After the first caucus with <u>both</u> complainant and respondent how complex did the dispute seem to you?

a. Very complex 4 19/
b. Somewhat complex 3
c. Somewhat simple 2
d. Very simple 1
(Please skip to Q.11)

10. What happened next? (Please indicate each step in sequence)

1. Opening Statements 20/
2. _____ 21/
3. _____ 22/
4. _____ 23/
5. _____ 24/
6. _____ 25/
7. _____ 26/
8. _____ 27/

11. Was an agreement reached whether written or not?

a. Yes 1 28/
b. No 2

12a. Was there a point in the session which you would recognize as a turning point where you thought an agreement would be very likely?

a. Yes 1 29/
b. No 2

12b. At what point did this occur? *(Circle the appropriate letter)*

a. Disputant's opening remarks . . . 1
b. Complainant's first caucus . . . 2
c. Respondent's first caucus 3 30/
d. Complainant's second caucus . . . 4
e. Respondent's second caucus . . . 5
f. When disputants were brought together 6
g. Other (*Please specify*) 7

_____

12c. Was this turning point the result of...

a. What the complainant said or did. 1
b. What the respondent said or did . 2 31/
c. Other reasons (*Please specify*) . 3

_____

_____

13. At the end of the mediation session, what was the level of tension between the disputants?

a. Very tense 5
b. Somewhat tense 4
c. Hard to say 3 32/
d. Somewhat relaxed 2
e. Very relaxed 1

14. Was a written agreement reached?

a. Yes 1 33/
b. No . . *Skip to Q.18.* 2

15. Considering the content of the agreement only please rate the following persons in terms of their influence on the content of the agreement. *(Circle the appropriate number in each row)*

	Very Influential	Fairly Influential	Slightly Influential	Not Influential at all	
You	4	3	2	1	34/
The Other Mediator	4	3	2	1	35/
The Complainant	4	3	2	1	36/
The Respondent	4	3	2	1	37/

16. Considering the methods used to reach an agreement, please rate the effect of the following persons in terms of their impact on these methods. *(Circle the appropriate number in each row)*

	Very Effective	Fairly Effective	Slightly Effective	Not Effective at all	Disruptive	
You	5	4	3	2	1	38/
The Other Mediator	5	4	3	2	1	39/
The Complainant	5	4	3	2	1	40/
The Respondent	5	4	3	2	1	41/

(SEE REVERSE SIDE)

17. How confident are you that for the most part the agreement will be kept? *(Circle the appropriate letter)*

a. Very confident 5
b. Mildly confident 4 42/
c. Uncertain 3
d. Somewhat doubtful 2
e. Very doubtful 1

18. How satisfied to you think the following people feel about the mediation session? *(Circle the appropriate number in each row)*

	Very Satisfied	Mildy Satisfied	Mildy Dissatisfied	Very Dissatisfied	
The Complainant	4	3	2	1	43/
The Respondent	4	3	2	1	44/
The Other Mediator	4	3	2	1	45/
You	4	3	2	1	46/

19. How well did you and the other mediator work together?

a. Very well 3
b. Well enough 2 47/
c. Poorly 1

20. What did you learn from this particular mediation experience?

_____

_____ 48-51/

_____

_____

21. What do you feel you need to know further?

_____

_____ 52-55/

_____

_____

<u>REMINDER</u> Are there any instructions which should be passed on to the intake counsellor or the co-ordinator?

Appendix G

Gottman's CISS Code Modified for Mediation[a]

Agreement (AS) - positive response; usually follows proposing a solution

Disagreement (DG) - negative response; usually follows proposing solution

Communication Talk (CR) - statements about how to deal with the problem rather than the problem itself; usually spoken by mediators

Mind Reading (MR) - attributing motives or causes to the other disputant's actions (e.g. "He must have been drunk when he smashed my window")

Proposing a Solution (PS)[b] - suggesting an item which might be part of an agreement.

Information Exchange (IE)[b] -providing information about the dispute; usually folows a question.

Request for Information (RI)[c] - asking for information; a frequent mediator act.

Summarizing Other (SO) - a short summation of other's position; usually used by the mediator to verify that s/he has the correct understanding.

Presenting Problems (PP)[d] - statements on the problem

Presenting Feelings (PF)[d] - stating frustration; getting upset.

Disclosure (DI)[e] - admitting responsibility for some part of the problem.

****

a. CISS - couples' Interaction Scoring System.

b. This is a separation into two categories of what was one combined category in CISS.

c. This category was added since mediators typically ask a number of questions.

d. This is another separation into two categories of what was one combined category in CISS.

e. Disclosure is a category borrowed from Sillars (1980).

Transition Probability Matrix

First Act / Second Act	AG	DC	CT	MR	PS	IE	RI	SO	PP	PF	DI
Agreement											
Disagreement											
Communication Talk											
Mind Reading											
Proposing a Solution											
Information Exchange											
Request for Information											
Summarizing Other											
Presenting Problems											
Presenting Feelings											
Disclosure											

****

Pij is the probability of j, the second act, given i the first act. Necessarity the sum.of the probabilities of each row is 1.0.

By way of example:

P_{51} is the probability of agreement given proposing a solution.

Appendix H.0
Research Policies of The Community Mediation Network

Research Committee Meeting
Friday, June 3, 1983

Time: 12:00-2:00pm
Place: Institute of Public Affairs
1261 Seymour St.

Present: Judy Hughes, John Benoit, Don Clairmont

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1) Research should proceed guided by the following principles:

a) The research addresses questions of concern to the community, mediation centres and scholars.

b) The data collection is to be undertaken with the informed voluntary consent of the disputants or other respondents.

c) The research is participatory thus the ends and interest of researchers and researched (e.g. disputants, mediators, referral agents) shall be considered.

d) The data is to be maintained as confidencial.

e) The rsults (in a general form so as not to contradict d above) are to be made available as much as possible to the community, mediation centres and scholars.

2) Methods used to realize these principles.

Consent

a) All disputants sign a consent form explainin the nature of the research, this form indicates how data is to be colected and why it is to be collected in a general sense. It also indicates that the data will be kept confidential. Disputants are further informed that whereas their cooperation is desirable, refusal to provide information will not prejudice the mediation process. Discussion of procedures shall be done with those who are researched. Moreover any data collection procedure shall be used and retained by consent of the researched before and after the use of such a procedure.

b) Confidentiality. Confidentiality implies a) that the names of disputants, mediator or referral agencies are not divulged, b) disputes are not discussed or written so as to permit any inference which would identify the disutant, mediator or referral agency, c) access to data on disputants will be restricted. In order to implement item c the following are recommended. Multiple sources of information require an identification number unique to each respondent/disputant but common among all items from each respondent/disputant. Placing an identification number on the intake form containing name, address and telephone number and a number which is a function of the identification number on the research instruments maintains confidentiality but permits the combination of different research instruments such as first and second folow-up interview schedules. The intake/program files will remain separate from the research files. Tapes will be erased as soon as it is practical. Written agreements will only be analyzed by replacing the names of disputants with identification numbers.

c) Research Design. Since access to mediation will be given to all disputants who match eligibility criteria defined in the proposal, disputants will not be placed in a control group. Research designs will generally employ quasi-experimental and statistical methods to control for spurious relationships among variables. Control by randomization must be cleared by the committee and if necessary the Board of Directors.

d) Relationship with other investigators. All investigators must abide by the principles and procedures set forward in this document. All investigators will come under the direction of the research committee and the Board of Directors. Publications will be joint between the appropriate member of the CMN and the outside investigator unless otherwise specified prior to undertaking the research.

Appendix I.0

Several responses by disputants are important dependent variables: the degree of comfort with an ongoing relationship, (Mediation I q.15d) and satisfaction with an agreement (Mediation I q.18c, 18d, 18e) and extent to which an agreement is kept (Mediation I q. 19). Whichever of these variables is examined the concern is to examine the affect of mediation controlling for other variables which might influence the dependent variable. Since the dependent variables are outcomes of a relationship, then the variables which might predict these outcomes are properties not only of the complainant but also the respondent. For example, in examining comfort with the relationship, individual characteristics of the respondent are as relevant as the individual characteristics of the complainant. In examining the three dependent variables, one might consider the following list of variables:

Individual Variables:

Complainant
- Anomie
- Trust in People
- Locus of Control
- Belief in a Just World
- Neighbourliness
- Occupational Prestige
- Income
- Age
- Sex
- Education

Respondent
- Anomie
- Trust in People
- Locus of Control
- Belief in a Just World
- Neighbourliness
- Occupational Prestige
- Income
- Age
- Sex
- Education

Relationship Variables:

- length of relationship
- type of relationship (spouses, neighbours, strangers)
- differences in occupational prestige, income, age, sex, education

Dispute Variables:

- type of dispute
- duration of dispute
- perceived cause of dispute (accidental-intentional)

Disposition of Dispute (dummy variables)

- Mediation or not
- Court action or not
- Police intervention or not

The list totals thirty-three independent variables. The facile assumption is that they additively relate to comfort. However it is not clear which variables should be more important than others. The result is an elimination procedure whereby insignificant variables are dropped from the equation. The impact of disposition variables in turn may interact with the type of dispute or the type of relationship. This can be examined by noting the change in the b coefficient associated with the mediation disposition depending upon for example the education of the respondent. (perhaps mediation "works" best if the disputants are articulate as measured by education). Another way to examine these interaction effects is to run separate regression equations for each value of the disposition variables, particularly whether mediation has taken place or not. Differences in the b coefficients associated with the independent variables may suggest what kind of person, or what kind of relationship or what kind of dispute benefits most from the mediation experience. Another interaction might occur between trust and mediation. (perhaps the success of mediation requires high trust in people scores for <u>both</u> disputants).

Appendix J.0

Summary of the Data Collection Instruments: The Results of Piloting

Instrument Name	Number Piloted and Completed	Refusals	Average Time to Complete Instrument in Minutes
Mediation I	12	0	22
Mediation II	3	0	18
Non Mediation I	37	6	17
Non Mediation II	7	0	15
Police Questionnaire	11	0	9
Community Dispute Reaction Survey	20	4	19
Post Mediation Mediator's Questionnaire	15	0	5